

TUESDAY, APRIL 28, 1992

EIGHTY-NINTH LEGISLATIVE DAY

The House met at 10:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. David Vaughn, First Baptist Church, Gallatin, Tennessee.

Representative Rep. Windle led the House in the Pledge of Allegiance to the Flag.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Garrett; due to illness.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

MESSAGE FROM THE SENATE

April 27, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 580; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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***Senate Bill No. 0580** -- Criminal Offenses -- Creates penalties for use of funds derived from certain criminal activities. Amends TCA 40-12-201. by *Kyle.

**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES
April 27, 1992**

In accordance with **Rule No. 48**, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 2843, 2857, 2869, 2870 and 2872.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR
April 27, 1992**

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar for Thursday, April 28, 1992:** House Bill(s) No(s). 2843, 2857, 2869, 2870 and 2872.

PHILLIPS, Chair.

REPORTS FROM STANDING COMMITTEES

**FINANCE, WAYS AND MEANS
April 27, 1992**

MR. SPEAKER: Your Finance, Ways and Means Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 1964, 2124, 2163, 2184, 2215, 2216, 2217, 2379, 2512, 2544, 2592, 2776 and 2835; also, House Bill(s) No(s). 2129, 2195, 2530, 2543, 2546, 2585 and 2721 if amended.

We further report that House Bill No. 1435 was considered but failed to pass.

BRAGG, Chair.

Under the rules, House Bill(s) No(s). 1964, 2124, 2163, 2184, 2215, 2216, 2217, 2379, 2512, 2544, 2592, 2776 and 2835; also, House Bill(s) No(s). 2129, 2195, 2530, 2543, 2546, 2585 and 2721 with amendment(s) was/were transmitted to the Calendar and Rules Committee.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
April 28, 1992**

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the **Regular Calendar for Tuesday, April 28, 1992:** House Bill(s) No(s). 1964, 1965, 2124,

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2129, 2184, 2195, 2215, 2216, 2217, 2432, 2512, 2530, 2531, 2543, 2544, 2546, 2585, 2592, 2721, 2776, 2816, 2831 and 2835.

We have also set the following bills on the **Regular Calendar** for **Thursday, April 30, 1992**: House Bill(s) No(s). 1112, 1853, 2329, 2369, 2404, 2609, 2672, 2718 and 2759.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Tuesday, April 28, 1992**: House Bill(s). No(s). 2163, 2287, 2818, 2819, 2820, 2821 and 2868; also, House Joint Resolution(s) No(s). 650 and 512.

PHILLIPS, Chair

MESSAGE FROM THE SENATE

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MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 383, 887, 1770, 1784, 1821, 1822, 1846, 1856, 1871, 1872, 1891, 1936, 1969, 1978, 1989, 1999, 2132, 2221, 2266, 2289, 2293, 2461, 2468, 2469, 2470, 2507, 2553, 2557, 2644, 2691, 2704, 2744, 2753, 2762, 2778, 2781, 2802 and 2816; also, Senate Joint Resolution(s) No(s). 367, 368, 370, 390, 404, 417, 445, 450, 460, 461, 463, 467, 468, 469, 470, 471, 474, 476, 477, 478, 479, 480 and 482; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 28, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 558, 559, 1705, 1764, 2033, 2301, 2405, 2453, 2623, 2704, 2712, 2787, 2845, 2846, 2847, 2848, 2850, 2851 and 2852; also, House Joint Resolution(s) No(s). 655, 660, 661, 663, 667, 669, 670, 671, 672, 674, 675, 677, 681, 697 and 698; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

RULES SUSPENDED

Rep. Purcell moved that **Rule No. 12** be suspended to allow the **Regular Calendar** and the **Addendum Calendar** to be taken up out of order and that the **Consent Calendar** be taken up later in the day, which motion prevailed.

REGULAR CALENDAR

***House Bill No. 2498 -- Traffic Safety -- Prohibits driving in**

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right hand lane within 500 feet of highway patrol officer parked on right shoulder with blue flashing lights on. Amends TCA, Title 55, Ch. 8, Pt. 1.

Further consideration of House Bill No. 2498, previously considered on April 13, 15 and 16, 1992, at which time Amendment No. 1 was adopted and the bill was reset to the Calendars for April 22 and 28, 1992.

Rep. Robinson (Davidson) moved that **House Bill No. 2498** be re-referred to the Calendar and Rules Committee, which motion prevailed.

***House Bill No. 0118 -- Professions and Occupations --** Makes violation of Private Investigators Licensing and Regulatory Act Class C misdemeanor. Amends TCA, Title 62.

Further consideration of House Bill No. 118, previously considered on April 22, 1992, at which time it was reset to the Calendar for April 28, 1992.

On motion, House Bill No. 118 was made to conform with Senate Bill No. 1128.

On motion, **Senate Bill No. 1128**, on same subject, was substituted for House Bill No. 118.

Rep. Odom moved that **Senate Bill No. 1128** be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Walley moved that **Amendment No. 2** be withdrawn, which motion prevailed.

Rep. Odom moved to amend as follows:

Amendment No. 3

Amend Senate Bill No. 1128 by deleting the following language added by Senate Amendment No. 3:

Section _____. Tennessee Code Annotated, Section 62-31-102(12)(B), is amended by adding the following new language prior to the semicolon (;):

and who charges a fee or cost of any kind to the job applicant or who requires the applicant to sign a contract which could potentially result in any cost

Section _____. Tennessee Code Annotated, Section 62-31-103, is amended by adding the following new item (5) and by renumbering the current item (5) and item (6)

accordingly as items (6) and (7):

(5) Permanent or full-time placement firms, which recruit employees for employers seeking candidates, which do not charge a fee or any other type of cost to any individuals seeking employment, which do not have contracts with individuals seeking employment, and which engage in no other services defined as "personnel services" as defined in 62-31-102;

On motion, Amendment No. 3 was adopted.

Thereupon, Rep. Odom moved that **Senate Bill No. 1128**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	88
Noes.	6
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Herron, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Haley, Hill, Liles, Rinks, Walley, Williams (Union) -- 6.

Representatives present and not voting were: Hargrove, Tullos -- 2.

A motion to reconsider was tabled.

House Bill No. 0072 -- Noise Pollution -- Exempts persons using or operating sport shooting ranges from rules, regulations and ordinances. Amends TCA, Title 39.

Further consideration of House Bill No. 72, previously considered on April 22, 1992, at which time it was reset to the Calendar for April 28, 1992.

Rep. Odom moved that **House Bill No. 72** be re-referred to the

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Calendar and Rules Committee, which motion prevailed.

House Bill No. 1159 -- Motor Vehicles -- Increases time period for filing written reports of accidents causing damage in excess of \$400. Amends TCA, Title 55.

Further consideration of House Bill No. 1159, previously considered on May 6, 13, 22 and 23, 1991 and February 4, 1992, at which time was re-referred to the Calendar and Rules Committee; on April 23, 1992, Calendar and Rules placed it on the Calendar for April 28, 1992.

On motion, House Bill No. 1159 was made to conform with Senate Bill No. 353.

On motion, **Senate Bill No. 353**, on same subject, was substituted for House Bill No. 1159.

Rep. Davis (Cocke) moved that **Senate Bill No. 353** be passed on third and final consideration.

On motion, Rep. Robinson (Davidson) withdrew Transportation Committee Amendment No. 1 and Amendment No. 1 to Amendment No. 1.

Rep. Givens moved to amend as follows:

Amendment No. 2

AMEND Senate Bill No. 353 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-10-403(k), is amended by adding the following new subdivision:

() Notwithstanding any other provision of law to the contrary, if the ruling of the court is favorable to the claimant, the court shall deliver to the claimant the vehicle so seized, and the claimant shall not be required to pay any of the expenses incurred in the storage, transportation, impoundment, etc., of such seized property. If the ruling of the court is adverse to the claimant, the court shall proceed to sell or dispose of the vehicle in accordance with the provisions of this section, and the expenses incurred in the storage, transportation, impoundment, etc., of such vehicle shall be adjudged as part of the costs of the proceeding in such manner as the court shall determine.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it and shall also apply to all property seized prior to the effective date

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of this act but upon which the court's ruling is pending on such effective date.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Givens moved that **Senate Bill No. 353**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Windle -- 1.

A motion to reconsider was tabled.

***House Bill No. 2244** -- Railroads -- Requires railroads to make public roads at railroad crossing level for 11, rather than ten, feet on each side of rails. Amends TCA, Title 65, Ch. 11.

Rep. Venable moved that House Bill No. 2244 be reset to the Calendar for Thursday, April 30, 1990, which motion prevailed.

***House Bill No. 0278** -- Hospitals and Health Care Facilities -- Restructures membership of board for licensing health care facilities. Amends TCA 68-11-203.

On motion, House Bill No. 278 was made to conform with Senate Bill No. 374.

On motion, **Senate Bill No. 374**, on same subject, was substituted for House Bill No. 278.

Rep. Stamps moved that **Senate Bill No. 374** be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources

Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 374 by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1.

(a) Tennessee Code Annotated, Section 68-11-203(a), is amended by deleting from the first sentence the words, figures, and symbols "seventeen (17) members," and by substituting instead the following:

eighteen (18) members,

(b) Tennessee Code Annotated, Section 68-11-203(a), is further amended by deleting from the first sentence the words, figures, and symbols ", and one (1) of whom shall be the operator of a licensed residential home for the aged." and by substituting instead the following:

, one (1) of whom shall be the operator of a licensed residential home for the aged, and one (1) of whom shall be a consumer member who is not engaged in any health care related profession, occupation, or field of endeavor.

(c) Tennessee Code Annotated, Section 68-11-203(b), is amended by deleting the final sentence and by substituting instead the following:

Ten (10) members shall constitute a quorum for the transaction of all business.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Stamps moved that **Senate Bill No. 374**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles,

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McAfee, McDaniel, McKee, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2458 -- Courts -- Authorizes clerk of any state, county, or municipality to collect fees, fines or court costs by credit card.

On motion, House Bill No. 2458 was made to conform with Senate Bill No. 1776.

On motion, **Senate Bill No. 1776**, on same subject, was substituted for House Bill No. 2458.

Rep. Williams (Union) moved that **Senate Bill No. 1776** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Pruitt -- 1.

A motion to reconsider was tabled.

House Bill No. 2298 -- Motor Vehicles, Titling and Registration -- Increases fees for special license plates from \$25.00 to \$30.00. Amends TCA, Title 55, Ch. 4.

On motion, House Bill No. 2298 was made to conform with Senate Bill No. 2150.

On motion, **Senate Bill No. 2150**, on same subject, was substituted for House Bill No. 2298.

Rep. Arriola moved that **Senate Bill No. 2150** be passed on third and final consideration.

On motion, Rep. Robinson (Davidson) withdrew Transportation Committee Amendment No. 1.

Rep. Arriola moved that **Senate Bill No. 2150** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Fowlkes, Givens, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Robinson (Washington) -- 1.

A motion to reconsider was tabled.

House Bill No. 2460 -- Custody and Support -- Prohibits change of child custody at child's school. Amends TCA, Title 36, Ch. 6.

Rep. Williams (Union) moved that House Bill No. 2460 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2460 by deleting the amendatory language of SECTION 1 and substituting instead the following:

The initial change in the physical custody of a child conducted pursuant to a court order shall not be accomplished in or on the premises of such child's

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school, day care center or other facility in or on the premises of which an official school sponsored activity is conducted during the regular hours of operation of such school, day care center or other facility.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Williams (Union) moved that **House Bill No. 2460**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2599 -- Hospitals and Health Care Facilities -- Caps reimbursable per diem cost for immediate care facility for mental retardation at \$165 per person. Amends TCA, Title 71, Ch. 5.

Rep. Bragg moved that House Bill No. 2599 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2599 by deleting in its entirety the amendatory language of Section 1, and by substituting instead the following language:

(b) The total number of beds in ICF/MR shall not exceed a total maximum number of 2510. In compliance with the certificate of need process, ICF/MR beds may be transferred from one location to another but the total number of such beds shall not exceed 2510.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Bragg moved that **House Bill No. 2599**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2289 -- Pensions and Retirement Benefits -- Removes restriction on increases in earnable compensation; provides increases continue unless members are employees of employers participating in TCRS. Amends TCA 8-34-106.

Rep. Rhinehart moved that **House Bill No. 2289** be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND **House Bill No. 2289** by deleting the amendatory and directory language in **SECTION 1** and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-34-106(b)(1), is amended by deleting from the third sentence thereof the figures "1992" and by substituting instead the figures "1993".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Rhinehart moved that **House Bill No. 2289**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.	89
Noes.	1
Present and not voting.	3

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowikes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Liles -- 1.

Representatives present and not voting were: Holcomb, Tullos, Venable -- 3.

A motion to reconsider was tabled.

MOTION

At the request of Rep. Purcell, bills on the Addendum to the Regular Calendar were considered at this time.

REGULAR CALENDAR, ADDENDUM

***House Bill No. 2816 -- Hospitals and Health Care Facilities --** Extends termination date of annual nursing home services fee and hospital services fee from June 30, 1992 to September 30, 1992. Amends TCA, Title 33, Ch. 2; Titles 63, 67; Title 68, Ch. 11; Title 71, Ch. 5.

Further consideration of House Bill No. 2816, previously considered on April 22, 1992, at which time Amendment No. 13 was substituted for Amendment No. 1 and adopted; Amendment No. 15 was substituted for Amendment No. 2; Amendment No. 1 to Amendment No. 15 was tabled; and the bill was re-referred to the Calendar and Rules Committee. On April 28, the Calendar and Rules Committee placed it on the Calendar for April 28, 1992.

Rep. Purcell moved that House Bill No. 2816 be passed on third and final consideration.

On motion, Amendment No. 15, previously filed, was withdrawn.

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Rep. Jackson moved to withdraw **Amendment No. 3** and substitute **Amendment No. 16**, which motion prevailed.

Rep. Purcell moved to amend as follows:

Amendment No. 16

AMEND House Bill No. 2816 by deleting the last unnumbered section of Section 3 in its entirety and substituting the following:

SECTION _____. All moneys received by the commissioner pursuant to the provisions of this chapter shall be deposited in the general fund, except as follows of all moneys received pursuant to the provisions of this chapter from charges for amusement services and services other than health care, eleven and eleven-hundredths percent (11.11%) shall be distributed in the manner provided at part 7 of chapter 6 of title 67; and the amount remaining shall be distributed in the manner provided at Section 67-6-103.

AND FURTHER AMEND by deleting subsection (3) of the fifth unnumbered section of Section 3 and by substituting the following:

SECTION _____. Sales to the federal government or any county or municipality within the state, but sales to the State of Tennessee are not exempt;

AND FURTHER AMEND be deleting Section 15 in its entirety and by substituting instead the following:

If any provision of this act or the application thereof to any person or circumstance is determined to be invalid, whether under the state or federal constitution or under federal law or regulation, or if any provision of this act is determined to either, in whole or in part, reduce the state's ability to receive federal financial participation under Title XIX of the federal Social Security Act, such provision shall be deemed null and void and its invalidity or inability shall not affect other provisions or applications of the act which can be given effect without the invalid or inabling provision or application, and to that end the provisions of this act are declared to be severable.

AND FURTHER AMEND by deleting Section 18 in its entirety and by substituting instead the following:

SECTION 18. The provisions of this act, with the exceptions of Sections 1, 2, 14, 17, and 19, shall terminate on March 31, 1994, unless extended by the general assembly through subsequent legislation; upon termination, all provisions of the Tennessee Code

Annotated amended by those sections terminated under this Section 18, to the extent amended, shall revert back to the language of those provisions as they existed prior to the enactment of this act, the public welfare requiring it.

If any provision of this section or the application thereof to any person or circumstance is determined to be invalid, whether under the state or federal constitution or under federal law or regulation, or if this section is determined to either, in whole or in part, reduce the state's ability to receive federal financial participation under Title XIX of the federal Social Security Act, such invalidity or inability shall not affect other provisions or applications of the act which can be given effect without the invalid or inabling provision or application, and to that end the provisions of this act are declared to be severable.

AND FURTHER AMEND by deleting Section 21 in its entirety and substituting the following:

SECTION 21. Sections 1, 2, and 14 shall be effective upon passage, the public welfare requiring it. All other sections shall take effect on July 1, 1992, the public welfare requiring it, provided that with respect to services which are regularly billed on a monthly basis, the services tax imposed by Section 3 of this act and not the state sales tax shall apply to services billed on or after the effective date of the act regardless of when such services were performed. All other services and amusement services performed prior to the effective date of this act shall be subject to the sales tax and not the services tax imposed by Section 3 of this act, the public welfare requiring it. If not already terminated under the provisions of Section 18, all sections other than Sections 1, 2, 14, 17, and 19 shall be repealed as of October 1, 1995, and all provisions of the Tennessee Code Annotated amended by those repealed Sections, to the extent amended by those sections, shall then revert to the language of those provisions as it existed prior to the enactment of this act, the public welfare requiring it.

On motion, Amendment No. 16 was adopted.

Rep. Jackson moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Holcomb moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Holcomb moved to withdraw Amendment No. 6 and substitute Amendment No. 17, which motion prevailed.

Rep. Holcomb moved to amend as follows:

Amendment No. 17

Amend House Bill No. 2816 by adding the following language at the end of item (11) of the second amendatory section of the new section that adds a new chapter to Title 67:

For purposes of this act, service for any hospital licensed in more than one (1) state shall be calculated only on the gross charge due from utilization by Tennessee residents. If any provision of this section or the application thereof to any person or circumstance is determined to be invalid, whether under the state constitution or under federal law or regulation, or if this section is determined to either, in whole or in part, reduce the state's ability to receive federal financial participation under Title XIX of the federal Social Security Act, such invalidity or inability shall not affect other provisions or applications of the act which can be given effect without the invalid or inabling provision or application, and to that end the provisions of this act are declared to be severable.

Rep. Purcell moved that Amendment No. 17 be tabled, which motion prevailed by the following vote:

Ayes.	63
Noes.	29
Present and not voting.	1

Representatives voting aye were: Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Head, Herron, Hill, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, McDaniel, McKee, Moore, Napier, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Tindell, Turner (Hamilton), Turner (Shelby), West, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 63.

Representatives voting no were: Allen, Anderson, Callicott, Chiles, Coffey, Cole, Davis (Cocke), Duer, Harrill, Hassell, Haun, Holcomb, Hubbard, Joyce, Liles, McAfee, Meyer, Niceley, Robinson (Washington), Shirley, Sipes, Stamps, Tullos, Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Wood -- 29.

Representatives present and not voting were: Nuber -- 1.

Rep. Holcomb moved that Amendment No. 7 be withdrawn, which motion prevailed.

Rep. Holcomb moved that Amendment No. 8 be withdrawn, which motion prevailed.

Rep. Purcell moved that Amendment No. 9 be withdrawn, which motion prevailed.

Rep. Arriola moved that Amendment No. 10 be withdrawn, which motion prevailed.

Rep. Holcomb moved that Amendment No. 11 be withdrawn, which motion prevailed.

Rep. Holcomb moved that Amendment No. 12 be withdrawn, which motion prevailed.

Rep. Jackson moved that Amendment No. 14 be withdrawn, which motion prevailed.

Rep. Meyer moved to amend as follows:

Amendment No. 18

Amend House Bill No. 2816 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 67-6-202, is amended by deleting the words and number "six percent (6%)" and substituting instead the words and number "five and one-half percent (5.5%)".

Section _____. Tennessee Code Annotated, Section 67-6-203, is amended by deleting the words and number "six percent (6%)" and substituting instead the words and number "five and one-half percent (5.5%)".

Section _____. Tennessee Code Annotated, Section 67-6-204, is amended by deleting the words and number "six percent (6%)" and substituting instead the words and number "five and one-half percent (5.5%)".

Section _____. Tennessee Code Annotated, Section 67-6-205, is amended by deleting the words and number "six percent (6%)" and substituting instead the words and number "five and one-half percent (5.5%)".

Section _____. Tennessee Code Annotated, Section 67-6-221, is amended by deleting the words and number "six percent (6%)" and substituting instead the words and number "five and one-half percent (5.5%)".

Section _____. Tennessee Code Annotated, Section 67-6-702(a)(1), is amended by deleting the words and number "two and three-fourths percent (2 3/4%)" and substituting instead the words and number "one-half percent (1/2%)".

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Rep. Purcell moved that Amendment No. 18 be tabled, which motion prevailed by the following vote:

Ayes.	68
Noes.	22
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chumney, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Head, Herron, Hill, Hillis, Holt, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, McDaniel, McKee, Moore, Napier, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Tindell, Turner (Hamilton), Turner (Shelby), Walley, Whitson, Williams (Shelby), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 68.

Representatives voting no were: Allen, Callicott, Chiles, Copeland, Harrill, Hassell, Holcomb, Hubbard, Joyce, Liles, McAfee, Meyer, Niceley, Nuber, Robinson (Washington), Shirley, Sipes, Stamps, Tullos, Venable, Williams (Union), Wood -- 22.

Representatives present and not voting were: West -- 1.

Rep. Meyer moved that Amendment No. 19 be withdrawn, which motion prevailed.

Rep. Copeland moved to amend as follows:

Amendment No. 20

AMEND House Bill No. 2816 by adding the following language at the end of item (7) of the second amendatory section of the section which adds a new chapter to Title 67:

provided, however, it shall not include freestanding physical rehabilitation hospitals;

AND FURTHER AMEND by adding the following language at the end of item (11) of the second amendatory section of the section which adds a new chapter to Title 67:

provided, however, service shall not include health services provided by freestanding physical rehabilitation hospitals;

Rep. Purcell moved that Amendment No. 20 be tabled, which motion prevailed by the following vote:

Ayes.	64
Noes.	30

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Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Gunnels, Hargrove, Head, Herron, Hill, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, McDaniel, McKee, Moore, Napier, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Tindell, Turner (Shelby), West, Whitson, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 64.

Representatives voting no were: Allen, Anderson, Callicott, Chiles, Coffey, Copeland, Duer, Haley, Halteman, Harrill, Hassell, Haun, Holcomb, Hubbard, Joyce, Liles, McAfee, Meyer, Niceley, Nuber, Robinson (Washington), Shirley, Sipes, Stamps, Tullos, Turner (Hamilton), Venable, Walley, Williams (Shelby), Wood -- 30.

Rep. Rhinehart moved the previous question, which motion failed by the following vote:

Ayes.	61
Noes.	32

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Gunnels, Head, Herron, Hill, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, King, Kisber, Knight, McKee, Moore, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Tindell, Turner (Hamilton), Turner (Shelby), West, Whitson, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 61.

Representatives voting no were: Allen, Bittle, Byrd, Callicott, Chiles, Coffey, Duer, Haley, Halteman, Harrill, Hassell, Haun, Holcomb, Hubbard, Liles, McAfee, McDaniel, Meyer, Niceley, Nuber, Peroulas Draper, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullos, Venable, Walley, Williams (Shelby), Williams (Union), Wood -- 32.

Rep. Purcell moved that House Bill No. 2816, as amended, be passed on third and final consideration.

After discussion, Rep. Davis (Gibson) moved the previous question, which motion prevailed.

Thereupon, Rep. Dixon moved that **House Bill No. 2816**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	79
Noes.	17
Present and not voting.	1

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Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Haun, Head, Herron, Hill, Hillis, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, McAfee, McDaniel, McKee, Moore, Napier, Niceley, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 79.

Representatives voting no were: Allen, Anderson, Coffey, Copeland, Harrill, Hassell, Holcomb, Joyce, Liles, Meyer, Nuber, Robinson (Washington), Shirley, Sipes, Tullos, Williams (Union), Wood -- 17.

Representatives present and not voting were: Jackson -- 1.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE
April 28, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2845, 2851, 2852 and 2854; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 2845 -- Custody and Support -- Permits duty of support to be established by filing of original support petition or original paternity petition under Uniform Reciprocal Enforcement of Support Act. Amends TCA 36-5-207. by *Person.

Senate Bill No. 2851 -- Sunset Laws -- Insurance committee, June 30, 2000. Amends TCA, Title 4, Ch. 29; Title 8, Ch. 27. by *Hicks.

Senate Bill No. 2852 -- Sunset Laws -- State election commission, June 30, 2000. Amends TCA, Title 2; Title 4, Ch. 29. by *Hicks.

Senate Bill No. 2854 -- Sunset Laws -- State funding board, June 30, 2000. Amends TCA, Title 4, Ch. 29; Title 9, Ch. 9. by *Hicks.

**MESSAGE FROM THE SENATE
April 28, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate

Bill(s) No(s). 1738; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 1738 -- Mental Retardation --** Authorizes DMHMR to contract or make grants to agencies to provide family support services to care for family members with severe disabilities; requires commissioner to appoint state family support council to participate in developing implementation of family support program. Amends TCA, Title 33. by *Womack.

MOTION

At the request of Rep. Purcell, the Regular Calendar was continued at this time.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2603 -- Taxes, Income --** Prohibits income taxation on exempt interest dividends from Subchapter M investment companies and earnings from investment funds organized as grantor trust as long as 75 percent of investment value is in United State or Tennessee bonds. Amends TCA, Title 67, Ch. 2.

On motion, House Bill No. 2603 was made to conform with Senate Bill No. 2726.

On motion, **Senate Bill No. 2726**, on same subject, was substituted for House Bill No. 2603.

Rep. Kisber moved that **Senate Bill No. 2726** be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Kisber moved that **Senate Bill No. 2726** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom,

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Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1014 -- Taxes, Sales -- Authorizes tax on services. Amends TCA, Title 67.

On motion, House Bill No. 1014 was made to conform with Senate Bill No. 744.

On motion, **Senate Bill No. 744**, on same subject, was substituted for House Bill No. 1014.

Rep. Kisber moved that **Senate Bill No. 744** be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 2.

Rep. Meyer moved to amend as follows:

Amendment No. 3

Amend Senate Bill No. 744 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 67-6-202, is amended by deleting the words and number "six percent (6%)" and substituting instead the words and number "five and one-half percent (5.5%)".

Section _____. Tennessee Code Annotated, Section 67-6-203, is amended by deleting the words and number "six percent (6%)" and substituting instead the words and number "five and one-half percent (5.5%)".

Section _____. Tennessee Code Annotated, Section 67-6-204, is amended by deleting the words and number "six percent (6%)" and substituting instead the words and number "five and one-half percent (5.5%)".

Section _____. Tennessee Code Annotated, Section 67-6-205, is amended by deleting the words and number "six percent (6%)" and substituting instead the words and number "five and one-half percent (5.5%)".

Section _____. Tennessee Code Annotated, Section 67-6-221, is amended by deleting the words and number "six percent (6%)" and substituting instead the words and number "five and one-half percent (5.5%)".

Section _____. Tennessee Code Annotated, Section 67-6-702(a)(1), is amended by deleting the words and number "two and three-fourths percent (2 3/4%)" and substituting instead the words and number "one-half percent (1/2%)".

Rep. Bragg moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes.	57
Noes.	29

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Haley, Halteman, Hargrove, Head, Herron, Hillis, Holt, Huskey, Jackson, Jones R (Shelby), Kernell, King, Kisber, Moore, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Tindell, Turner (Hamilton), Turner (Shelby), Whitson, Williams (Shelby), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 57.

Representatives voting no were: Allen, Bittle, Callicott, Chiles, Cole, Duer, Gunnels, Harrill, Hassell, Haun, Hill, Holcomb, Hubbard, Joyce, Kent, McAfee, McDaniel, Meyer, Niceley, Nuber, Peroulas Draper, Robinson (Washington), Shirley, Sipes, Stamps, Venable, West, Williams (Union), Wood -- 29.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on the motion to table Amendment No. 3 to Senate Bill No. 744 and have this statement entered in the Journal.

Rep. Gary Odom

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on the motion to table Amendment No. 3 to Senate Bill No. 744 and have this statement entered in the Journal.

Beth Halteman

REGULAR CALENDAR, CONTINUED

Rep. Meyer moved that **Amendment No. 4** be withdrawn, which motion prevailed.

Rep. Meyer moved that **Amendment No. 5** be withdrawn, which motion prevailed.

Thereupon, Rep. Kisber moved that **Senate Bill No. 744** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	86
Noes.	0
Present and not voting.	8

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Stamps, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 86.

Representatives present and not voting were: Harrill, Jones U (Shelby), Joyce, Nuber, Shirley, Sipes, Tindell, Tullos -- 8.

A motion to reconsider was tabled.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

REGULAR CALENDAR, CONTINUED

House Bill No. 1862 -- Insurance, Health, Accident -- Directs code commission to reorganize provisions of Code relative to mandated benefits, to identify those provisions which are mandatory benefits, scope of practice, providing benefits if other benefits are included, and offering of benefits. Amends TCA, Title 56.

On motion, House Bill No. 1862 was made to conform with Senate Bill No. 1809.

On motion, **Senate Bill No. 1809**, on same subject, was substituted for House Bill No. 1862.

Rep. McDaniel moved that **Senate Bill No. 1809** be passed on third and final consideration.

Rep. Byrd moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1809 by deleting SECTION 5 in its entirety and substituting instead the following new sections:

SECTION 5. The Tennessee Code Commission is directed to reorganize Chapter 7, Title 56, Tennessee Code Annotated, as provided by this act upon the replacement of the volume containing Title 56.

The Tennessee Code Commission is directed to add the necessary entries to the next scheduled index of Tennessee Code Annotated to identify such mandated provisions for the users of the code.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. McDaniel moved that **Senate Bill No. 1809**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 1449 -- Insurance, Health, Accident -- Permits assignment of certain insurance benefits. Amends TCA, Title 56, Ch. 7, Pt. 1.

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On motion, House Bill No. 1449 was made to conform with Senate Bill No. 884.

On motion, **Senate Bill No. 884**, on same subject, was substituted for House Bill No. 1449.

Rep. Kernell moved that **Senate Bill No. 884** be passed on third and final consideration.

On motion, Rep. Dixon withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Kernell moved that **Senate Bill No. 884** be passed on third and final consideration.

At the request of Rep. Kernell, Senate Bill No. 884 was moved five places.

***House Bill No. 0126 -- Welfare --** Makes misuse of names of persons receiving old age assistance Class B misdemeanor. Amends TCA, Title 71.

Further consideration of House Bill No. 126, previously considered on April 20 and 22, 1992, at which time Amendment No. 1 was withdrawn, a motion was made to adopt Amendment No. 2, and the bill was reset to the Calendar for April 28, 1992.

Rep. Odom moved that House Bill No. 126 be passed on third and final consideration.

Rep. Crain withdrew his motion to adopt Amendment No. 2 and requested Amendment No. 2 be moved to the heel of the Amendments.

Rep. Odom moved to amend as follows:

Amendment No. 3

Amend House Bill No. 126 by deleting all the language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 71, Section 5, Part 121, is amended by adding Section 2 as a new part regarding provider responsibilities.

Section 2. No change of ownership or controlling interest of an existing medicaid provider, including but not limited to: hospitals, nursing home facilities, home health agencies, and pharmacies, can occur until monies as may be owed to medicaid are provided for. The purchaser shall notify medicaid of the purchase at the time of ownership change and is financially liable for the

outstanding liabilities to medicaid for one (1) year from the date of purchase or for one (1) year following medicaid's receipt of the provider's medicare final notice of program reimbursement, whichever is later. The purchaser shall be entitled to utilize any means available to it by law to secure and recoup these funds from the selling entity. In addition, purchasers of nursing facilities are responsible for obtaining an accurate accounting and transfer of funds held in trust for medicaid residents at the time of the change of ownership or controlling interest.

Section 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

Rep. Rhinehart moved that **Amendment No. 4** be withdrawn, which motion prevailed.

Rep. Rhinehart moved to amend as follows:

Amendment No. 5

Amend House Bill No. 126 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. If the division of medicaid has not reimbursed a business for medicaid services provided under the medicaid program at the time the business is sold, when such an amount is determined the division of medicaid shall be required to reimburse the person owning the business provided such sale included the sale of such assets.

On motion, Amendment No. 5 was adopted.

Rep. Crain moved that **Amendment No. 2** be withdrawn, which motion prevailed.

Thereupon, Rep. Odom moved that **House Bill No. 126**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	4

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox),

DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, McAfee, McDaniel, McKee, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Haley, Liles, Nuber, Tullos -- 4.

A motion to reconsider was tabled.

House Bill No. 2719 -- Employees, Employers -- Establishes "State Employee Incentive Plan Act of 1992".

Rep. Allen moved that House Bill No. 2719 be passed on third and final consideration.

Rep. R. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2719 by deleting Section 3 of the printed bill in its entirety and by substituting instead the following new Section 3:

Section 3.

(a) The commissioner of finance and administration shall select not more than three (3) pilot programs to implement the "Employee Incentive Plan Act of 1992". The commissioner shall submit the selected pilot programs to the finance, ways and means committees of the senate and house of representatives for review and comment. The pilot programs shall file a detailed report, in such manner as may be required by the commissioner, indicating cost and savings results of each program.

(b) The commissioner shall allocate, on a per capita basis, to the employees of the pilot programs achieving a savings in their allocated budget, less normal savings (anticipated reversion amount) as may be established by the commissioner of finance and administration at the beginning of the fiscal year, twenty-five percent (25%) of the amount of such savings. Provided that participation in such savings may be denied or reduced if a statement from the

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department or agency head detailing the reasons for the denial or reduction is sent to the affected employee. The employee shall then have the opportunity to respond, either orally or in writing, to the department or agency head; such response must be filed with the commissioner of personnel. Such savings as may be denied to any individual employee shall be re-allocated to the other employees.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Allen moved that **House Bill No. 2719**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	72
Noes.	16
Present and not voting.	5

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Buck, Byrd, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Halteman, Hargrove, Harrill, Hassell, Haun, Herron, Hill, Hillis, Holcomb, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Ridgeway, Rinks, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wood -- 72.

Representatives voting no were: Bivens, Bragg, Davis (Gibson), DeBerry, Head, Holt, King, Liles, Moore, Pinion, Pruitt, Purcell, Robinson (Davidson), Robinson (Hamilton), Turner (Shelby), Mr. Speaker Naifeh -- 16.

Representatives present and not voting were: Armstrong, Haley, Rhinehart, Rigsby, Wix -- 5.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
April 28, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2445 and 2447; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 2445** -- Appropriations -- Authorizes growth in state appropriations which exceed rate of growth of economy for 1992-1993 fiscal year. Amends TCA, Title 9, Ch. 6, Pt. 2. by *Darnell.

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***Senate Bill No. 2447 -- Bond Issues -- Authorizes \$178,700,000 bond issue to fund state projects. by *Darnell.**

**MESSAGE FROM THE SENATE
April 28, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2444; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 2444 -- Appropriations -- Makes appropriations to defray expenses of state government for fiscal year beginning July 1, 1992. *Darnell.

**MESSAGE FROM THE SENATE
April 28, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2087; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REGULAR CALENDAR, CONTINUED

House Bill No. 2039 -- Local Education Agency -- Authorizes reduction of up to five days in school year on account of major outbreaks of illness; funding not to be cut. Amends TCA 49-6-3004.

Rep. Winningham moved that House Bill No. 2039 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 2.

At the request of Rep. Winningham, House Bill No. 2039 was moved five places.

MOTION

At the request of Rep. Purcell, Senate Amendments to House Bill No. 2087 were taken up at this time.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2087 -- Apportionment, Legislative -- Redistricts senate. Amends TCA 3-1-102.

Senate Amendment No. 1

Amend House Bill No. 2087 by deleting all sections of the bill following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 3-1-102, is amended by deleting subsections (a) through (e) and (j) and by substituting the following:

3-1-102. State senatorial districts.

(a) Senators elected to the Ninety-seventh General Assembly shall, until the next general election for senators, represent their respective districts as constituted prior to the effective date of this act. Nothing in this section shall be construed as depriving any member of the senate of the Ninety-seventh General Assembly of such member's office, or as affecting or modifying the constitutional requirement of staggered senatorial terms, or as affecting or modifying any other provisions of Article II, Section 3 of the Constitution of Tennessee. At the November, 1992 general election, and thereafter until changed by law, senators shall be elected to represent the districts as constituted and provided by this section. On the date of such November 1992 general election and thereafter until changed by law, senators shall represent the districts as constituted and provided by this section. If an election is required prior to the general election in November 1992, to fill a vacancy in accordance with Article II, Section 15(a) of the Constitution of Tennessee, then the election to fill the vacancy shall be held in the district as constituted and provided prior to the effective date of this act.

(b)(1) All census descriptions, counties, voting districts (VTDs), whether designated as precincts, wards, council districts, or otherwise, tracts, blocks, census delineations, census district lines and other census designations are those established for or by the United States department of commerce, bureau of the census, for taking the 1990 federal decennial census in Tennessee as contained in the automated geographic data base, known as the

TIGER (Topologically Integrated Geographic Encoding and Referencing) System.

(2) All subdivisions listed under a county are voting districts (VTDs) unless labeled as tracts and blocks.

(c) Any reapportionment of county legislative bodies shall not affect these legislative districts.

(d) Until the next enumeration of qualified voters and apportionment of senators, the state senatorial districts shall be composed as follows:

(1) SENATE DISTRICT 1. All of Cocke, Greene, Hamblen, and Unicoi Counties;

(2) SENATE DISTRICT 2. All of Sullivan County;

(3) SENATE DISTRICT 3. All of Carter, Johnson and Washington Counties;

(4) SENATE DISTRICT 4. All of Claiborne, Grainger, Hancock, Hawkins, Jefferson and Union Counties;

(5) SENATE DISTRICT 5. All of Anderson and Campbell Counties and that portion of Knox County included within the boundaries of the following voting precincts and wards: 056, 057, 058, 059, 060, 063, 064, 072, 073;

(6) SENATE DISTRICT 6. That portion of Knox County included within the boundaries of the following voting precincts and wards: 027, 028, 029, 031, 032, 033, 034, 035, 036, 037, 038, 039, 049, 051, 061, 065, 069, 071, 074, 076, 077, 078, 079, 080, 081, 082, 084, 085, 086, 087, 088, 089, 090, 091, 092, 093, E26, F25, Q24, S24, V25, W26;

(7) SENATE DISTRICT 7. That portion of Knox County included within the boundaries of the following voting precincts and wards: 006, 009, 012, 013, 018, 020, 021, 030, 040, 041, 042, 043, 044, 045, 046, 047, 048, 055, 062, 067(A), 067(B), 068(A), 068(B), 084(C), 068(D), 070, 075, E11, E14, E15, E17, L19, M14, N10, N16, N23, N24, N50, N66, S10, S16, S19, S23, S50, S66, W11, W15, W17;

(8) SENATE DISTRICT 8. All of Blount and Sevier Counties;

(9) SENATE DISTRICT 9. All of Bradley, Loudon, Monroe and Polk Counties;

(10) SENATE DISTRICT 10. That portion of Hamilton County included within the boundaries of the following voting precincts and wards: 01 Airport; 02 Alton Park; 03 Amnicola; 04 Avondale; 05 Bonny Oaks; 06 Brainerd; 07 Brainerd Hills; 08 Bushtown; 09 Cedar Hill; 10 City Hall; 11 Clifton Hills; 13 Courthouse; 14 Dalewood; 15 Downtown; 16 DuPont; 18 East Chattanooga; 19 East Lake; 20 East Side; 21 Eastdale; 22 Eastgate; 23 Glenwood; 25 Hixon; 26 Howard; 27 Kingsport; 28 Lake Hills; 29 Lupton City; 30 Missionary Ridge North; 32 Moccasin Bend; 34 Murray Hills; 35 North Chattanooga; 36 Northgate; 38 Northwoods South; 39 Orchard Knob; 40 Piney Woods; 42 Riverview; 43 St. Elmo; 44 Stuart Heights; 45 Sunnyside; 47 Valley View East; 48 Wauhatchie City; 49 Woodmore; 63 Summit; 66 Dallas; 68 Falling Water; 76 Red Bank 1; 83 Soddy Daisy North; 84 Soddy Daisy South;

(11) SENATE DISTRICT 11. That portion of Hamilton County included within the boundaries of the following voting precincts and wards: 12 Concord, 17 East Brainerd, 24 Highland Park, 88 Hixson 2, 31 Missionary Ridge South, 33 Mountain Creek, 37 Northwoods North, 41 Ridgedale, 46 Tyner, 50 Apison, 51 Birchwood, 52 Collegedale, 53 East Ridge 1, 54 East Ridge 2, 55 East Ridge 3, 56 East Ridge 4, 57 East Ridge 5, 58 Harrison, 59 Meadowview, 60 Ooltewah, 61 Ridgeside, 62 Snowhill, 64 Westview, 65 Bakewell, 67 Fairmount, 69 Flat Top Mountain, 70 Ganns, 71 Lakesite, 72 Lookout Mountain, 73 Middle Valley, 74 Mowbray, 75 Pleasant Grove, 77 Red Bank 2, 78 Red Bank 3, 79 Red Bank 4, 80 Sale Creek, 81 Signal Mountain East, 82 Signal Mountain West, 85B Valdeau County, 85A Valdeau County, 92 Valley View West, 86 Walden, 87A Wauhatchie County, 87B Wauhatchie County, 89 Ooltewah 2, 90 Harrison 2, 91 Westview 2;

(12) SENATE DISTRICT 12. All of Cumberland, Fentress, Morgan, Overton, Roane and Scott Counties;

(13) SENATE DISTRICT 13. All of Bledsoe, McMinn, Marion, Meigs, Rhea, Sequatchie, Van Buren and White Counties;

(14) SENATE DISTRICT 14. All of Franklin, Giles, Grundy, Lincoln, Moore and Warren Counties;

(15) SENATE DISTRICT 15. All of Cannon, Clay, Coffee, DeKalb, Jackson, Macon, Pickett and Putnam Counties;

(16) SENATE DISTRICT 16. All of Bedford and Rutherford Counties;

(17) SENATE DISTRICT 17. All of Smith, Trousdale and Wilson Counties and that portion of Davidson County included within the boundaries of the following voting precincts and wards: 13-8, 28-1, 28-3, 29-1, 29-2, 29-3, 30-2, 31-1, 31-2, 31-4, 31-5;

(18) SENATE DISTRICT 18. All of Robertson and Sumner Counties;

(19) SENATE DISTRICT 19. That portion of Davidson County included within the boundaries of the following voting precincts and wards: 16-1, 16-2, 16-3, 16-4, 17-1, 17-2, 17-3, 17-4, 18-2, 18-3, 19-1, 19-2, 19-3, 19-5, 19-6, 1-1, 1-3, 1-5, 1-6, 1-7, 20-1, 20-2, 20-3, 20-4, 20-5, 21-1, 21-2, 21-3, 21-4, 22-4, 25-6, 26-2A, 26-2B, 26-4, 26-5, 27-1, 2-1, 2-2, 2-3, 2-4, 3-2, 3-5, 4-2, 4-3, 5-1, 5-2, 5-3, 5-4, 5-5, 6-1, 6-5, 7-1, 7-2, 7-3, 7-4;

(20) SENATE DISTRICT 20. That portion of Davidson County included within the boundaries of the following voting precincts and wards: 10-1, 10-2, 10-3, 10-4, 11-1, 11-2, 11-3, 11-4, 11-5, 11-6, 12-1, 12-2, 12-3, 12-4, 13-1, 13-2, 13-4, 13-5, 13-6, 13-7, 14-2, 14-3, 14-4, 14-5, 15-1, 15-2, 15-3, 15-4, 1-4, 27-2, 28-2, 3-1, 3-3, 3-4, 4-1, 4-4, 6-2, 6-3, 8-1, 8-2, 8-3, 8-4, 8-5, 9-1, 9-2, 9-3, 9-4, 9-5;

(21) SENATE DISTRICT 21. That portion of Davidson County included within the boundaries of the following voting precincts and wards: 18-1, 19-4, 1-2, 22-1, 22-2, 22-3, 23-1, 23-2, 23-3, 23-4, 24-1, 24-2, 24-3, 24-4, 25-1, 25-2, 25-3,

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25-4, 25-5, 25-7, 26-1, 26-3, 27-3, 27-4, 27-5, 30-1, 30-3, 30-4, 31-3, 32-1, 32-2, 32-3, 32-4, 32-5, 33-1, 33-2, 33-3A, 33-3B, 33-5, 33-6, 34-1, 34-2, 34-3, 34-4A, 34-4B, 34-5A, 34-5B, 34-6, 35-1, 35-2, 35-3, 35-4, 35-5, 33-4A, 33-4B;

(22) SENATE DISTRICT 22. All of Cheatham, Houston, Montgomery and Stewart Counties;

(23) SENATE DISTRICT 23. All of Marshall, Maury, and Williamson Counties;

(24) SENATE DISTRICT 24. All of Benton, Dyer, Henry, Lake, Obion and Weakley Counties;

(25) SENATE DISTRICT 25. All of Decatur, Dickson, Henderson, Hickman, Humphreys, Lawrence, Lewis and Perry Counties;

(26) SENATE DISTRICT 26. All of Chester, Crockett, Fayette, Hardeman, Hardin, Haywood, McNairy and Wayne Counties;

(27) SENATE DISTRICT 27. All of Carroll, Gibson and Madison Counties;

(28) SENATE DISTRICT 28. That portion of Shelby County included within the boundaries of the following voting precincts and wards: 6 Bartlett, 12 Bartlett, Locke, 1 McConnell's, 2 McConnell's, 38-1 Memphis, 38-2 Memphis, 38-3 Memphis, 41-3 Memphis, 42-1 Memphis, 42-2 Memphis, 42-3 Memphis, 43-1 Memphis, 43-2 Memphis, 52-1 Memphis, 52-2 Memphis, 52-3 Memphis, 53-1 Memphis, 53-2 Memphis, 53-3 Memphis, 54-1 Memphis, 54-2 Memphis, 62-1 Memphis, 62-2 Memphis, 69-1 Memphis, 69-2 Memphis, 70-1 Memphis, 70-2 Memphis, 70-3 Memphis, 71-1 Memphis, 71-2 Memphis, 71-3 Memphis, 71-4 Memphis, 72-1 Memphis, 72-2 Memphis, 72-3 Memphis, 72-4 Memphis, 72-5 Memphis, 72-6 Memphis, 72-7 Memphis, 83 Memphis, 84-1 Memphis, 84-2 Memphis, 85-1 Memphis, 85-2 Memphis, 86 Memphis, 87-1 Memphis, 87-2 Memphis, 87-3 Memphis, 88-1 Memphis, 88-2 Memphis, 88-3 Memphis, 90-1 Memphis, 90-2 Memphis, 90-3 Memphis, 90-4 Memphis, Woodstock, 88-4 Memphis, and the voting tabulation district in Shelby County designated by the U.S. bureau of the census as ZZZZ;

(29) SENATE DISTRICT 29. That portion of Shelby County included within the boundaries of the following voting precincts and wards: 1 Memphis, 2 Memphis, 7 Memphis, 11-1 Memphis, 11-2 Memphis, 12 Memphis, 13-1 Memphis, 13-2 Memphis, 13-3 Memphis, 14-1 Memphis, 14-2 Memphis, 15 Memphis, 16-3 Memphis, 18 Memphis, 20-3 Memphis, 21-1 Memphis, 21-2 Memphis, 21-3 Memphis, 22 Memphis, 25-1 Memphis, 25-2 Memphis, 25-3 Memphis, 25-4 Memphis, 26-1 Memphis, 26-2 Memphis, 27-1 Memphis, 27-2 Memphis, 27-3 Memphis, 29-1 Memphis, 31-1 Memphis, 31-2 Memphis, 31-3 Memphis, 31-4 Memphis, 32-1 Memphis, 32-2 Memphis, 34-1 Memphis, 34-2 Memphis, 35-1 Memphis, 35-2 Memphis, 35-3 Memphis, 36-2 Memphis, 36-3 Memphis, 39 Memphis, 40-1 Memphis, 40-2 Memphis, 41-1 Memphis, 41-2 Memphis, 49-1 Memphis, 49-2 Memphis, 49-3 Memphis, 50-1 Memphis, 50-2 Memphis, 51 Memphis, 60-1 Memphis, 60-3 Memphis, 76-1 Memphis, 77-1 Memphis

(30) SENATE DISTRICT 30. That portion of Shelby County included within the boundaries of the following voting precincts and wards: 16-1 Memphis, 16-2 Memphis, 17-1 Memphis, 17-2 Memphis, 20-1 Memphis, 20-2 Memphis, 28-1 Memphis, 28-2 Memphis, 29-2 Memphis, 30 Memphis, 33 Memphis, 36-1 Memphis, 37 Memphis, 44-1 Memphis, 44-2 Memphis, 44-3 Memphis, 44-4 Memphis, 44-5 Memphis, 45-1 Memphis, 45-2 Memphis, 45-3 Memphis, 45-4 Memphis, 46-1 Memphis, 46-2 Memphis, 46-3 Memphis, 47-1 Memphis, 47-2 Memphis, 47-3 Memphis, 55-1 Memphis, 57 Memphis, 58-1 Memphis, 58-2 Memphis, 58-3 Memphis, 58-4 Memphis, 58-5 Memphis, 59-1 Memphis, 59-2 Memphis, 59-3 Memphis, 59-4 Memphis, 59-5 Memphis, 61-1 Memphis, 61-2 Memphis, 65-1 Memphis, 65-2 Memphis, 66-1 Memphis, 66-2 Memphis, 66-3 Memphis, 73-1 Memphis, 73-2 Memphis, 73-3 Memphis, 73-4 Memphis, 73-5 Memphis, 73-7 Memphis, 73-9 Memphis, 74-4 Memphis, 74-5 Memphis, 74-6 Memphis, 74-7 Memphis, 74-9 Memphis

(31) SENATE DISTRICT 31. That portion of Shelby County included within the boundaries of the following voting precincts and wards: 1 Bartlett, 2 Bartlett, 3 Bartlett, 7 Bartlett, 9 Bartlett, 1 Cordova, 2 Cordova, 4 Cordova,

5 Cordova, 7 Cordova, 8 Cordova, 9 Cordova,
10 Germantown, 2 Germantown, 6 Germantown,
7 Germantown, 9 Germantown, 1 Hickory Hill,
2 Hickory Hill, 3 Hickory Hill, 4 Hickory
Hill, 5 Hickory Hill, 55-2 Memphis, 56-1
Memphis, 56-2 Memphis, 63-1 Memphis, 63-2
Memphis, 64-1 Memphis, 64-2 Memphis, 67-1
Memphis, 67-2 Memphis, 67-3 Memphis, 68-1
Memphis, 68-2 Memphis, 68-3 Memphis, 80-1
Memphis, 80-2 Memphis, 81-1 Memphis, 81-2
Memphis, 81-3 Memphis, 81-4 Memphis, 81-5
Memphis, 81-6 Memphis, 81-7 Memphis, 89-1
Memphis, 89-2 Memphis, 2 Ross Store, 4 Ross
Store, 6 Ross Store, 7 Ross Store, 8 Ross
Store, 10 Ross Store

(32) SENATE DISTRICT 32. All of Lauderdale
and Tipton Counties and that portion of
Shelby County included within the
boundaries of the following voting
precincts and wards:, Arlington, 4
Bartlett, 5 Bartlett, 8 Bartlett, 10
Bartlett, 11 Bartlett, Brunswick, 1
Collierville, 2 Collierville, 3
Collierville, 4 Collierville, 5
Collierville, 3 Cordova, 6 Cordova, Eads,
Forest Hills, 1 Germantown, 11 Germantown,
12 Germantown, 3 Germantown, 4 Germantown,
5 Germantown, 8 Germantown, Kerrville,
Lakeland, Lucy, 1 Millington, 2 Millington,
3 Millington, 4 Millington, Morning Sun,
Stewartville

(33) SENATE DISTRICT 33. That portion of
Shelby County included within the
boundaries of the following voting
precincts and wards:, 1 Capleville, 2
Capleville, 3 Capleville, 48 Memphis, 60-2
Memphis, 60-4 Memphis, 60-5 Memphis, 60-6
Memphis, 60-7 Memphis, 60-8 Memphis, 60-9
Memphis, 73-6 Memphis, 73-8 Memphis, 74-1
Memphis, 74-2 Memphis, 74-3 Memphis, 74-8
Memphis, 75-1 Memphis, 75-10 Memphis, 75-11
Memphis, 75-12 Memphis, 75-2 Memphis, 75-3
Memphis, 75-4 Memphis, 75-5 Memphis, 75-6
Memphis, 75-7 Memphis, 75-8 Memphis, 75-9
Memphis, 76-2 Memphis, 76-3 Memphis, 76-4
Memphis, 76-5 Memphis, 76-6 Memphis, 77-2
Memphis, 77-3 Memphis, 78-1 Memphis, 78-2
Memphis, 78-3 Memphis, 78-4 Memphis, 78-5
Memphis, 79-1 Memphis, 79-2 Memphis, 79-3
Memphis, 79-4 Memphis, 79-5 Memphis, 79-6
Memphis, 79-7 Memphis, 79-8 Memphis, 79-9
Memphis, 82-1 Memphis, 82-2 Memphis, 82-3
Memphis, 1 Ross Store, 3 Ross Store, 5 Ross
Store, 9 Ross Store

(j) It is the intention of the general assembly in passing a plan apportioning the state senatorial districts to do so in a manner which complies with the constitutional mandates of the United States Constitution and the Constitution of Tennessee and applicable judicial decisions.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Purcell moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 2087, which motion prevailed by the following vote:

Ayes.	70
Noes.	16
Present and not voting.	2

Representatives voting aye were: Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Hargrove, Haun, Head, Herron, Hill, Hillis, Holt, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, McAfee, McDaniel, McKee, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Sipes, Turner (Hamilton), Turner (Shelby), Walley, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 70.

Representatives voting no were: Byrd, Curlee, Davis (Cocke), Haley, Halteman, Hassell, Holcomb, Johnson, Joyce, Liles, Nuber, Shirley, Stamps, Tullis, West, Williams (Union) -- 16.

Representatives present and not voting were: Hubbard, Tindell -- 2.

A motion to reconsider was tabled.

REGULAR CALENDAR, CONTINUED

House Bill No. 2066 -- Mental Retardation -- Authorizes DMHMR to contract or make grants to agencies to provide family support services to care for family members with severe disabilities; requires commissioner to appoint state family support council to participate in developing implementation of family support program. Amends TCA, Title 33.

On motion, House Bill No. 2066 was made to conform with Senate Bill No. 1738.

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On motion, **Senate Bill No. 1738**, on same subject, was substituted for House Bill No. 2066.

Rep. Bragg moved that **Senate Bill No. 1738** be passed on third and final consideration.

On motion, Rep. Dixon withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Bragg moved that **Senate Bill No. 1738** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2192 -- Real Property -- Extends period of time from one to three years that correction of property assessment must be made. Amends TCA 65-5-509.

On motion, House Bill No. 2192 was made to conform with Senate Bill No. 2233.

On motion, **Senate Bill No. 2233**, on same subject, was substituted for House Bill No. 2192.

Rep. Bragg moved that **Senate Bill No. 2233** be passed on third and final consideration.

On motion, Rep. R. Jones withdrew State and Local Government Committee Amendment No. 1.

Rep. Bragg moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 2233 by adding the following new section after Section 1 and renumbering existing sections accordingly:

Section _____. Tennessee Code Annotated, Section 67-5-509, is further amended by substituting the words "do not include" for the word "include" in the last sentence of subsection (f).

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Bragg moved that Senate Bill No. 2233, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Haltzman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

*Senate Bill No. 0884 -- Insurance, Health, Accident -- Permits assignment of certain insurance benefits. Amends TCA, Title 56, Ch. 7, Pt. 1.

Having been discussed earlier, Rep. Kernell moved that Senate Bill No. 884, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee,

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Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Nuber -- 1.

A motion to reconsider was tabled.

House Bill No. 2667 -- Environmental Preservation -- Sets owner's and/or operator's financial responsibility for petroleum underground storage tanks at \$10,000 per occurrence regardless of date of release. Amends TCA, Title 68, Ch. 53.

Rep. Johnson moved that House Bill No. 2667 be passed on third and final consideration.

Rep. Hillis moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2667 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-53-111, is amended by adding a new subsection thereto, as follows:

() (1) Notwithstanding any provision of this section to the contrary, to achieve parity in reimbursement of claims under this chapter, claims which have a deductible level greater than ten thousand dollars (\$10,000) shall be reimbursed only when the net value of the fund exceeds twenty-eight million dollars (\$28,000,000) for three (3) consecutive months. For the purposes of this section net value shall be defined as cash balance minus any submitted claims, regardless of their status. Any payments due under this subsection shall be discontinued when the net fund balance is less than twenty-eight million dollars (\$28,000,000).

(2) Reimbursements made pursuant to this subsection shall be made as provided by subdivisions (3)(A) through (C). Payments shall be made in the

same sequence in which claims are received for such entry level.

(3) Payments shall be made in the following order:

(A) Payments to reduce the entry level from \$75,000 to \$50,000;

(B) Payments to reduce the entry level from \$50,000 to \$20,000; and

(C) Payments to reduce the entry level from \$20,000 to \$10,000.

SECTION 2. This act shall take effect July 1, 1992, the public welfare requiring it, and shall apply to all claims received after July 1, 1988.

On motion, Amendment No. 1 was adopted.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 2 as follows:

Amendment No. 3

Amend House Bill No. 2667 by adding the following language to the end of Section 1 as a new, appropriately designated subsection:

() Prior to any reimbursements made pursuant to this section, the commissioner of environment and conservation shall certify in writing to the commissioner of finance and administration and the comptroller of the treasury that the fund balance fully meets the provisions of this section. Such reimbursements shall be subject to the approval of the commissioner of finance and administration.

On motion, Amendment No. 3 was adopted.

Thereupon, Rep. Johnson moved that House Bill No. 2667, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.	89
Noes.	2
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Nuber, Tullos -- 2.

Representatives present and not voting were: Herron, Stamps -- 2.

A motion to reconsider was tabled.

***House Bill No. 2019** -- Sewage -- Provides that in determining whether a wastewater treatment facility in certain municipalities has a retained earnings deficit, depreciation shall not include state or federal grant funds received. Amends TCA, Title 68, Ch. 13, Pt. 10.

On motion, House Bill No. 2019 was made to conform with Senate Bill No. 2290.

On motion, **Senate Bill No. 2290**, on same subject, was substituted for House Bill No. 2019.

Rep. Davis (Gibson) moved that **Senate Bill No. 2290** be passed on third and final consideration.

On motion, Rep. R. Jones withdrew State and Local Government Committee Amendment No. 1.

At the request of Rep. Davis (Gibson), Senate Bill No. 2290 was moved 2 places.

House Bill No. 2039 -- Local Education Agency -- Authorizes reduction of up to five days in school year on account of major outbreaks of illness; funding not to be cut. Amends TCA 49-6-3004.

Having been discussed earlier, Rep. Winningham moved that House Bill No. 2039 be passed on third and final consideration.

Rep. Severance moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Winningham moved to amend as follows:

Amendment No. 4

AMEND House Bill No. 2039 by deleting all sections of the bill following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-3004, is amended by adding a new subsection thereto, as follows:

(h)(1) A local board of education may request that the commissioner of education waive up to five (5) days of the required one hundred eighty (180) days for classroom instruction at that school or schools.

(2) Any reduction by waiver of the number of days of classroom instruction authorized by this act shall not operate to reduce the amount of state school funds to which a school system is otherwise entitled or to reduce the compensation of teachers and non-instructional personnel employed by the local board of education if they otherwise fulfill their contracts.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 4 was adopted.

Rep. Givens moved the previous question, which motion prevailed.

Thereupon, Rep. Winningham moved that House Bill No. 2039, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	77
Noes.	13

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Halteman, Hargrove, Haun, Head, Hill, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Purcell, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance,

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Shirley, Sipes, Stamps, Turner (Hamilton), Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Windle, Wood, Mr. Speaker Naifeh -- 77.

Representatives voting no were: Arriola, Haley, Herron, Hillis, Holcomb, Joyce, Liles, Rhinehart, Tindell, Tullos, Walley, Williams (Union), Winningham -- 13.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

April 28, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2117 and 2393; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 2117 -- Criminal Offenses -- Specifies that failure to return leased or rented tangible personal property to owner constitutes theft. Amends TCA, Title 39, Ch. 14. by *Hicks.

***Senate Bill No. 2393** -- Insurance, Life -- Requires insurer to mail assignee of life insurance policy copies of premium and lapse notices and late payment offers mailed to policy owner. Amends TCA 56-7-204. by *Cooper, *Koella.

REGULAR CALENDAR, CONTINUED

***House Bill No. 1744** -- Fees -- Increases registers' fees in Shelby and Davidson counties to same fees charged in rest of state. Amends TCA 8-21-1001.

On motion, House Bill No. 1744 was made to conform with Senate Bill No. 1808.

On motion, **Senate Bill No. 1808**, on same subject, was substituted for House Bill No. 1744.

Rep. Williams (Shelby) moved that **Senate Bill No. 1808** be passed on third and final consideration.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1808 by deleting the language of Section 1(a)(6) and by substituting instead the following:

(a)(6) For all deeds, including deeds of trust, and for every other instrument which may be registered and which does not have a fee otherwise specified, not exceeding two (0) pages 8 1/2" x 14" \$8.00

AND FURTHER AMEND by adding the following language to Section 1(a) as a new, appropriately designated subdivision:

() Whenever any deed or deed of trust also contains an assignment or release, registers of this state are entitled to demand and receive the fees specified for each such assignment or release in addition to the fees due for the deed or deed of trust.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Williams (Shelby) moved that Senate Bill No. 1808, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	80
Noes.	7
Present and not voting.	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Hill, Hillis, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Stamps, Tindell, Venable, Walley, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 80.

Representatives voting no were: Byrd, Duer, Shirley, Sipes, Tullios, Turner (Shelby), West -- 7.

Representatives present and not voting were: Holcomb, Liles, Nuber -- 3.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 1808 and have this statement entered in the Journal.

Rep. Beth Halteman

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 1808 and have this statement entered in the Journal.

Rep. Gary Odom

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 1808 and have this statement entered in the Journal.

Rep. John Arriola

REGULAR CALENDAR, CONTINUED

Senate Bill No. 2290 -- Sewage -- Provides that in determining whether a wastewater treatment facility in certain municipalities has a retained earnings deficit, depreciation shall not include state or federal grant funds received. Amends TCA, Title 68, Ch. 13, Pt. 10.

Having been discussed earlier, Rep. Davis (Gibson) moved that **Senate Bill No. 2290** be passed on third and final consideration.

Rep. Davis (Gibson) moved to amend as follows:

Amendment No. 2

AMEND Senate Bill No. 2290 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-13-1010(a), is amended by designating the existing language as subdivision (1) and by adding a new subsection thereto, as follows:

(2) In any municipality having a wastewater facility serving seven hundred fifty (750) customers or less, in determining whether a facility has a

retained earnings deficit or an operating deficit, depreciation shall not include depreciation on assets acquired with grant funds received from a state or federal agency.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

Rep. Haun moved to amend as follows:

Amendment No. 1 to Amendment No. 2

AMEND Senate Bill No. 2290 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-13-1010(a), is amended by designating the existing language as subdivision (1) and by adding a new subsection thereto, as follows:

(2) In any municipality having a wastewater facility serving nine hundred (900) customers or less, in determining whether a facility has a retained earnings deficit or an operating deficit, depreciation shall not include depreciation on assets acquired with grant funds received from a state or federal agency.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 to Amendment No. 2 was adopted.

On motion, Amendment No. 2, as amended, was adopted.

Rep. R. Jones moved adoption of State and Local Government Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 2290 by adding the following sections:

SECTION ____ Subdivision 68-13-1003(7)(A) is hereby amended by deleting the existing subdivision in its entirety and substituting the following:

"Local government" means a county, incorporated town or city, metropolitan government, or state agency (i) which has authority to administer a wastewater facility or (ii) whose residents are served or are eligible to be served, in whole or in

part, by a wastewater facility operated by another local government as defined by this subsection; or one (1) of the foregoing acting jointly with a utility district operating or having the authority to operate a wastewater facility; or any combination of two (2) or more of the foregoing acting jointly in connection with a wastewater facility;

SECTION _____. Subsection 68-13-1005(i) is amended by adding the following sentence at the end of the subsection:

For purposes of this subsection, notice of failure to remit funds shall be delivered to any entity jointly participating in the wastewater facility being funded pursuant to the loan agreement and qualifying as a local government as provided in Section 68-13-1003(7), and funds shall be withheld as provided therein.

SECTION _____. Section 68-13-1005 is further amended by adding the following as a new subsection:

To encourage joint action by governmental entities, including utility districts, in the establishment of fiscally self-sufficient wastewater facilities, utility districts and other entities which constitute "local governments" as defined under this part are hereby authorized and empowered to serve as guarantors and to provide such other security as required by the authority for loans under this part.

SECTION _____. Section 68-13-1006 is amended by adding the following as a new subsection:

The requirements of this section with respect to "local governments" shall be deemed satisfied when any one of the entities jointly participating in the wastewater facility being funded pursuant to the loan agreement and qualifying as a local government as provided in Section 68-13-1003(7) satisfies the requirement.

On motion, Amendment No. 3 was adopted.

Rep. Davis (Gibson) moved that Amendment No. 4 be withdrawn, which motion prevailed.

Thereupon, Rep. Davis (Gibson) moved that Senate Bill No. 2290, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

RECESS

At the direction of the Speaker, the House stood in recess for five minutes.

RECESS EXPIRED

The recess having expired, Mr. Speaker Naifeh called the House to order.

Rep. Chiles moved that the roll call be dispensed with, which motion prevailed.

REGULAR CALENDAR, CONTINUED

House Bill No. 1789 -- Sunset Laws -- Real estate commission, June 30, 1999. Amends TCA, Title 4, Chs. 3, 21, 29; Title 19, Ch. 1; Title 62, Chs. 13, 25; Title 66, Ch. 32.

On motion, House Bill No. 1789 was made to conform with Senate Bill No. 1870.

On motion, **Senate Bill No. 1870**, on same subject, was substituted for House Bill No. 1789.

Rep. King moved that **Senate Bill No. 1870** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	85
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney,

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Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Gunnels, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, McAfee, McDaniel, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stamps, Tindell, Tullos, Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 85.

Representatives present and not voting were: Venable -- 1.

A motion to reconsider was tabled.

House Bill No. 2165 -- Fees -- Increases clerks' fees as follows: issuing garnishment, from \$2.00 to \$8.50; receiving taxes, fees, etc., from 5 to 10 percent; criminal case of record, flat fee from \$147 to \$175; deferred payment fee from 5 to 10 percent, not to exceed \$250. Amends TCA 8-21-401.

Rep. King moved that House Bill No. 2165 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2165 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall only apply in counties having a population of not less than eight hundred twenty-five thousand (825,000) nor more than eight hundred thirty thousand (830,000) according to the 1990 federal census or any subsequent federal census.

On motion, Amendment No. 1 was adopted.

Rep. King moved passage of **House Bill No. 2165**, as amended, on third and final consideration, which motion failed by the following vote:

Ayes.	46
Noes.	39
Present and not voting.	8

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bivens, Bragg, Buck, Chumney, Clark, Cole, Collier, Crain, Curlee, Davidson, DeBerry, Dixon, Fowlkes, Givens, Hargrove,

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Hassell, Hillis, Holt, Hubbard, Huskey, Jones R (Shelby), Jones U (Shelby), Kernell, King, Kisber, Knight, McAfee, Napier, Peroulas Draper, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Turner (Hamilton), Venable, Whitson, Williams (Shelby), Mr. Speaker Naifeh -- 46.

Representatives voting no were: Arriola, Bittle, Byrd, Callicott, Chiles, Cross, Davis (Cocke), Davis (Knox), Duer, Ferguson, Halteman, Harrill, Haun, Head, Herron, Hill, Johnson, Joyce, Kent, Liles, McDaniel, McKee, Meyer, Niceley, Nuber, Odom, Phillips, Severance, Shirley, Sipes, Stamps, Tullis, Turner (Shelby), Walley, West, Windle, Winningham, Wix, Wood -- 39.

Representatives present and not voting were: Davis (Gibson), Gunnels, Holcomb, Jackson, Moore, Pinion, Tindell, Williams (Union) -- 8.

Pursuant to **Rule No. 39**, House Bill No. 2165, having failed to receive a Constitutional majority, was re-referred to the Calendar and Rules Committee.

House Bill No. 2148 -- Taxes, Litigation -- Increases additional state litigation tax on both civil suits and criminal cases from \$6.00 to \$12.00. Amends TCA, Titles 40, 67.

Rep. Buck moved that House Bill No. 2148 be reset to the Calendar for Thursday, April 30, 1992, which motion prevailed.

***House Bill No. 2411 -- Eminent Domain --** Prohibits placing improvements on property which is subject of right-of-way after public hearings have begun. Amends TCA, Title 54.

Rep. Buck moved that House Bill No. 2411 be passed on third and final consideration.

Rep. R. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2411 by deleting SECTION 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 54-14-101 is amended by designating the existing language of subsection (a) as subpart (1) and by adding the following new subpart (2):

(2) If the person petitioning for a private road needs additional land for the sole purpose of extending utility lines, including but not limited to, electric, natural gas, water, sewage, telephone,

or cable television, to the enclosed land, he shall so request in the petition. Upon receipt of a petition requesting additional land for the extension of utility lines, the court may grant such petitioner's request and direct the jury of view to lay off and mark a road that is fifteen feet (15') wider than is permitted by the provisions of subpart (1) of this subsection.

Rep. Buck moved to amend as follows:

Amendment No. 1 to Amendment No. 1

Amend House Bill No. 2411 by deleting from Section 1, as amended, the word "sole".

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

On motion, Amendment No. 1, as amended, was adopted.

Rep. Buck moved to amend as follows:

Amendment No. 2

Amend House Bill No. 2411 by deleting the existing Section 2 and by substituting instead the following Section 2 and new Section 3:

Section 2. Tennessee Code Annotated, Title 54, is amended by adding the following as a new section in the appropriate chapter:

Section _____. The commissioner of transportation shall have the authority to approve, for economic development purposes, installation of a natural gas line via bridge attachment.

Section 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Buck moved that House Bill No. 2411, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	88
Noes.	0
Present and not voting.	6

Representatives voting aye were: Allen, Anderson, Armstrong,

Bell, Bittle, Bivens, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 88.

Representatives present and not voting were: Arriola, Callicott, Haley, Liles, Nuber, Walley -- 6.

A motion to reconsider was tabled.

House Bill No. 2515 -- Public Defenders -- Removes restriction that number of district public defenders and investigators be equivalent to one-half number of assistant district attorneys general and investigators; allows determination by judicial council. Amends TCA, Titles 8, 16, 23, 40.

Rep. Purcell moved that House Bill No. 2515 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2515 by deleting Sections 1, 2 and 3 and substituting instead the following:

SECTION 1. Tennessee Code Annotated Section 8-14-202(d) is amended by deleting in its entirety and substituting instead the following new subsections:

"(d) For each judicial district for which district public defenders are authorized there shall be authorized the following number of assistant district public defender positions:

<u>Judicial District</u>	<u>Assistant District Defender Positions</u>
1	5
2	4
3	5
4	3
5	1
6	14
7	3

8	3
9	3
10	5
11	10
12	3
13	4
14	2
15	3
16	3
17	3
18	2
19	3
21	3
22	4
23	3
24	4
25	4
26	4
27	2
28	2
29	2
31	1

(e) For each district there is authorized at least one criminal investigator position and one additional criminal investigator for each five (5) assistant district public defenders or majority portion thereof.

(f) Subject to approval by the executive secretary of the district public defenders conference, a district public defender may appoint part-time assistant district public defenders so long as the total number of positions does not exceed the full time equivalent established in subsection (d).

SECTION 2. Tennessee Code Annotated Section 40-14-207(a)(3) (relative to reimbursement in capital, extended or complex cases) which reads as follows is amended by deleting in its entirety:

"In no event shall compensation to court appointed attorneys pursuant to the second sentence of subdivision (a)(1), and subdivision (a)(2) exceed one hundred thirty-one thousand dollars (\$131,000) per year."

SECTION 3. Tennessee Code Annotated Section 40-14-209 (relative to reimbursement from the indigent defense fund for public defenders) is amended by deleting in its entirety and substituting instead:

"The state shall reimburse counties, metropolitan governments and municipalities having public defenders for the operation of such offices in

accordance with procedures and subject to the limitations provided in Title 8, Chapter 14, Section 4."

SECTION 4. Tennessee Code Annotated Title 8, Chapter 14 is amended by adding the following new section:

"SECTION _____. For the twentieth (20th) and thirtieth (30th) judicial districts, the state shall pay, in equal quarterly installments, to the county or metropolitan government which has a local public defender, an amount annually appropriated for that purpose. Such amount shall not be less than the amount appropriated in Fiscal Year 1992-93. In addition to the amount appropriated in 1992-93 or any subsequent year, the state shall pay to the county or metropolitan government an amount equal to the percentage of any general increases in appropriations for district public defenders."

SECTION 5. Tennessee Code Annotated Section 40-14-210 is amended by adding the following new subdivision:

"(a)(3). This section shall take effect in any county with approval by two-thirds (2/3) vote of the county legislative body."

SECTION 6. Tennessee Code Annotated Section 40-14-210(d) is amended by deleting in its entirety and substituting instead the following:

"Any county may supplement the funds of the district public defender system to represent indigent defendants in criminal prosecution. The costs collected by the county under the provisions of this section shall be supplemental and in addition to any funds received under this chapter or under Title 8, Chapter 14 (relative to public defenders) for services rendered by the public defender and assistants to the indigent."

SECTION 7. Tennessee Code Annotated Title 16, Chapter 2, Part 5 is amended by adding the following new section:

"SECTION _____. From and after July 1, 1992 any increase in the number of authorized assistant district attorney positions or increase in local funding for positions or office expense shall be accompanied by an increase in funding of seventy-five percent (75%) of the increase in positions or funding to the office of the public defender in such district for the purpose of indigent criminal defense."

SECTION 8. Sections 5 and 6 of this act shall take effect of upon becoming law, the public welfare requiring it. The remaining sections shall take effect on July 1, 1992, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 2

AMEND House Bill No. 2515 by adding the following as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section _____. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

On motion, Amendment No. 2 was adopted.

Rep. Purcell moved to amend as follows:

Amendment No. 3

Amend House Bill No. 2515 the amendatory language of subsection (f) and substituting instead:

(f) Subject to the approval of the executive secretary of the district public defenders conference, assistant district public defender positions may be reassigned from one district to another to correct case or workload imbalances.

On motion, Amendment No. 3 was adopted.

Thereupon, Rep. Purcell moved that House Bill No. 2515, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	87
Noes.	6

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Hill, Hillis, Holt, Hubbard, Huskey,

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Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Chiles, Harrill, Holcomb, Joyce, Niceley, Tullos -- 6.

A motion to reconsider was tabled.

***House Joint Resolution No. 0596** -- General Assembly, Confirmation of Appointment -- Michael D. Martin, State Forestry Commission.

On motion, House Joint Resolution No. 596 was made to conform with Senate Joint Resolution No. 443.

On motion, **Senate Joint Resolution No. 443**, on same subject, was substituted for House Joint Resolution No. 596.

Rep. Purcell moved that **Senate Joint Resolution No. 443** be concurred in, which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

***House Joint Resolution No. 0597** -- General Assembly, Confirmation of Appointment -- Ed Porter, Tennessee Forestry Commission.

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On motion, House Joint Resolution No. 597 was made to conform with Senate Joint Resolution No. 442.

On motion, **Senate Joint Resolution No. 442**, on same subject, was substituted for House Joint Resolution No. 597.

Rep. Purcell moved that **Senate Joint Resolution No. 442** be concurred in, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1672 -- Pensions and Retirement Benefits -- Expands TCRS board of trustees by adding one retired member to be appointed by governor to serve two year term. Amends TCA, Title 8, Ch. 34, Pt. 3.

On motion, House Bill No. 1672 was made to conform with Senate Bill No. 1661.

On motion, **Senate Bill No. 1661**, on same subject, was substituted for House Bill No. 1672.

Rep. Givens moved that **Senate Bill No. 1661** be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Council on Pensions and Insurance Committee Amendment No. 1.

Rep. Givens moved that **Senate Bill No. 1661** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0
Present and not voting.	1

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Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Tullos -- 1.

A motion to reconsider was tabled.

House Bill No. 2314 -- Insurance, Life -- Requires insurer to mail assignee of life insurance policy copies of premium and lapse notices and late payment offers mailed to policy owner. Amends TCA 56-7-204.

On motion, House Bill No. 2314 was made to conform with Senate Bill No. 2393.

On motion, **Senate Bill No. 2393**, on same subject, was substituted for House Bill No. 2314.

Rep. Curlee moved that **Senate Bill No. 2393** be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Curlee moved that **Senate Bill No. 2393** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell,

Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 1867 -- Criminal Offenses --** Specifies that failure to return leased or rented tangible personal property to owner constitutes theft. Amends TCA, Title 39, Ch. 14.

On motion, House Bill No. 1867 was made to conform with Senate Bill No. 2117.

On motion, **Senate Bill No. 2117**, on same subject, was substituted for House Bill No. 1867.

Rep. West moved that **Senate Bill No. 2117** be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 4 as House Amendment No. 1.

Rep. Buck moved adoption of Judiciary Amendment No. 1 to Amendment No. 4 as follows:

Amendment No. 2

Amend Senate Bill No. 2117 by inserting between the words "to such owner" and "within ten (10)" in subsection (a)(3) of the amendatory language of **SECTION 1** of House Judiciary Committee Amendment 1 the language "on or before such return date and".

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. West moved that **Senate Bill No. 2117**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	89
Noes.	0
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier,

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Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wix, Wood, Mr. Speaker Naifeh -- 89.

Representatives present and not voting were: Hargrove, Winningham -- 2.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on Senate Bill No. 2117 and have this statement entered in the Journal.

Rep. Clint Callicott

REGULAR CALENDAR, CONTINUED

***House Joint Resolution No. 0521** -- General Assembly, Directed Studies -- Directs the commissioner of health to study certain proposals to more effectively prevent and treat HIV infection.

Rep. Dixon moved that House Joint Resolution No. 521 be adopted.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Joint Resolution No. 521 by deleting the word "direct" wherever it may be found in the first resolving clause and substituting in lieu thereof the word "urge".

and by deleting the words "and implement whenever appropriate," which are found immediately following the words "examine in-depth" in the first resolving clause.

and by deleting parts labeled (2), (4) and (6) in their entirety in the first resolving clause.

and by deleting the word "must" wherever it might be found in the first resolving clause and substituting in lieu thereof the word "should".

and by deleting the word "directed" wherever it may be found in the second resolving clause and substituting in lieu thereof the word "urged".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Dixon moved that **House Joint Resolution No. 521**, as amended, be adopted, which motion prevailed by the following vote:

Ayes	90
Noes	0

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

***House Joint Resolution No. 0522 -- General Assembly, Directed Studies --** Directs the commissioner of health to report information concerning the utilization, or lack thereof, of federal funding recently provided to state for specific purpose of HIV infection and/or AIDS prevention.

Rep. Dixon moved that **House Joint Resolution No. 522** be adopted.

Rep. Dixon moved adoption of **Health and Human Resources Committee Amendment No. 1** as follows:

Amendment No. 1

AMEND House Joint Resolution No. 522 by deleting the third resolving clause in its entirety and substituting the following language:

BE IT FURTHER RESOLVED, That the commissioner of health shall distribute a copy of such report to the chair of the general welfare, health and human resources committee of the Senate and to the chair of the health and human resources committee of the House of Representatives.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Dixon moved that **House Joint Resolution No. 522**, as amended, be adopted, which motion prevailed by the following vote:

Ayes.	89
Noes.	0

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 89.

A motion to reconsider was tabled.

***House Joint Resolution No. 0524** -- Memorials, Government Officials -- Directs department of health to undertake activities to closely monitor actual availability of prenatal care for Medicaid recipients.

Rep. Dixon moved that House Joint Resolution No. 524 be adopted.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Joint Resolution No. 524 by deleting the word "directed" in the first resolving clause of the bill and substituting in lieu thereof the word "urge".

by deleting the words "directed" in the first sentence of the second and third resolving clause of the bill and substituting in lieu thereof the word "urged".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Dixon moved that **House Joint Resolution No. 524**, as amended, be adopted, which motion prevailed by the following vote:

Ayes.	87
Noes.	0

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chumney, Coffey, Cole, Collier, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron,

Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom; Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 87.

A motion to reconsider was tabled.

House Joint Resolution No. 0673 -- Highway Signs - "Gilbert Marion Morrison Memorial Bridge," overpass in Hamblen County.

Rep. Johnson moved that House Joint Resolution No. 673 be adopted.

Rep. Johnson moved to amend as follows:

Amendment No. 1

AMEND House Joint Resolution No. 673 by deleting the first resolving clause of the printed resolution in its entirety and by substituting instead the following new language:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That the bridge located at approximately STA. 395 + 37 at the overpass over Southern Railway and South Cumberland Street on State Route 160 in Hamblen County is hereby designated as the "Gilbert Marion Morrison Memorial Bridge" in honor of this fine man's life of purpose and commitment.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Johnson moved that House Joint Resolution No. 673, as amended, be adopted, which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom,

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Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 1800 -- Sunset Laws -- Institute for African and Caribbean affairs, June 30, 1995.

Rep. DeBerry moved that House Bill No. 1800 be reset to the Calendar for Thursday, April 30, 1992, which motion prevailed.

***House Joint Resolution No. 0664 -- Memorials, Government Officials -- Urges governor to include funding in 1992-1993 budget for reconstruction of U.S. 79 West between Clarksville and Dover.**

Further consideration of House Joint Resolution No. 664, previously considered on the April 23, 1992 Consent Calendar, at which time the resolution was reset to the Calendar for April 28, 1992.

Rep. Knight moved that House Joint Resolution No. 664 be adopted, which motion prevailed by the following vote:

Ayes.	76
Noes.	1
Present and not voting.	8

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chumney, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Haltzman, Hargrove, Hassell, Haun, Head, Hill, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Kent, Kernell, Kisber, Knight, McKee, Meyer, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 76.

Representatives voting no were: Chiles -- 1.

Representatives present and not voting were: Callicott, Givens, Gunnels, Harrill, Holcomb, Joyce, Rigsby, Williams (Union) -- 8.

A motion to reconsider was tabled.

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House Bill No. 2128 -- Health -- Creates select committee on health care of ten members, at least two from each finance and general welfare committee; provides duties relative to comprehensive plans and provisions so each Tennessean can obtain equal quality and affordable health care.

Further consideration of House Bill No. 2128, previously considered on April 20 and 23, 1992, at which time the bill was reset to the Calendar for April 28, 1992.

Rep. Jackson moved that House Bill No. 2128 be reset to the Calendar for Thursday, April 30, 1992, which motion prevailed.

***Senate Bill No. 0846 -- Contractors --** Makes general contractors provisions applicable statewide. Amends TCA 62-6-102.

Further consideration of Senate Bill No. 846, previously considered on April 20 and 23, 1992, at which time it was substituted for House Bill No. 979, Amendments Nos. 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 were adopted, Amendment No. 3 was tabled and the bill reset to the Calendar for April 28, 1992.

Rep. Kent moved that **Senate Bill No. 846**, as amended, be passed on third and final consideration.

Rep. McDaniel moved to amend as follows:

Amendment No. 16

Amend Senate Bill No. 979 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
10,471	10,800
21,800	22,100
6,600	6,650
13,925	14,000

On motion, Amendment No. 16 was adopted.

Rep. Rinks moved to amend as follows:

Amendment No. 17

Amend Senate Bill No. 846 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

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Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
22,600	23,000
22,200	22,500

On motion, Amendment No. 17 was adopted.

Rep. Hillis moved to amend as follows:

Amendment No. 18

Amend Senate Bill No. 846 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
20,000	20,300
32,900	33,000
9,650	10,000
8,600	8,900
4,800	5,100

On motion, Amendment No. 18 was adopted.

Rep. Napier moved to amend as follows:

Amendment No. 19

Amend Senate Bill No. 846 by deleting from the new section added by House Amendment No. 10 the figures "54,600" from the column designated as "not less than", and by deleting the figures "55,000" from the column designated as "nor more than".

On motion, Amendment No. 19 was adopted.

Rep. Huskey moved to amend as follows:

Amendment No. 20

Amend Senate Bill No. 846 by deleting from the language added by House Amendment No. 9 the following population bracket:

51,000	51,300
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On motion, Amendment No. 20 was adopted.

Rep. Moore moved to amend as follows:

Amendment No. 21

Amend Senate Bill No. 846 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
35,300	35,500
9,000	9,250

On motion, Amendment No. 21 was adopted.

Rep. Bell moved to amend as follows:

Amendment No. 22

Amend Senate Bill No. 846 by deleting the figures "67,600" from the column designated as "not less than" and by deleting the figures "67,900" from the column designated as "no more more" [sic: no more than] as added by amendment no. 7.

On motion, Amendment No. 22 was adopted.

Thereupon, Rep. Kent moved that **Senate Bill No. 846**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	80
Noes.	9
Present and not voting.	4

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Fowlkes, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 80.

Representatives voting no were: Duer, Ferguson, Givens, Holcomb, Jackson, Rigsby, Tindell, Williams (Union), Windle -- 9.

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Representatives present and not voting were: Buck, Crain, Gunnels, Rinks -- 4.

A motion to reconsider was tabled.

***Senate Bill No. 1803** -- Alcoholic Beverages -- Lowers minimum seating requirement from 75 to 40 for wine only restaurants; lowers bond requirement to same 20 percent rate as privilege tax. Amends TCA 57-4-101, 57-4-302.

Further consideration of Senate Bill No. 1803, previously considered on April 13, 1992, at which time it was substituted for House Bill No. 2730, failed for lack of a Constitutional majority and was re-referred to Calendar and Rules Committee. On April 21, 1992, the Calendar and Rules Committee placed it on the Calendar for April 23, 1992, at which time the bill was reset to the Calendar for April 28, 1992.

Rep. U. Jones moved that **Senate Bill No. 1803** be passed on third and final consideration.

Rep. Arriola moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 1803 by deleting the language "forty (40)" in Section 1 and by substituting instead the language "fifty (50)".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. U. Jones moved that **Senate Bill No. 1803**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	53
Noes.	33
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bivens, Buck, Callicott, Chiles, Chumney, Clark, Collier, Crain, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Fowlkes, Halteman, Hargrove, Haun, Head, Hill, Hillis, Hubbard, Huskey, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, McDaniel, Moore, Napier, Odom, Pruitt, Purcell, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Tindell, Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Wix, Mr. Speaker Naifeh -- 53.

Representatives voting no were: Bell, Bittle, Byrd, Cross, Curlee, Ferguson, Givens, Gunnels, Harrill, Herron, Holcomb, Holt, Jackson, Johnson, Joyce, McAfee, McKee, Meyer, Niceley, Peroulas, Draper, Phillips, Pinion, Rhinehart, Ridgeway, Rigsby, Shirley,

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Stamps, Tullos, Walley, Williams (Union), Windle, Winningham, Wood -- 33.

Representatives present and not voting were: Haley, Knight -- 2.

A motion to reconsider was tabled.

COMMUNICATION

Mr. Speaker

I was listed as voting aye on SB 1803. I wish my vote to be reflected as no since I am opposed to this bill.

Thank You,
/s/Rep. Bill Sipes

Please spread these comments on the House Journal.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from no to aye on Senate Bill No. 1803 and have this statement entered in the Journal.

Rep. H.E. Bittle

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 1803 and have this statement entered in the Journal.

Rep. Ray Davis

RULES SUSPENSION

At the request of Rep. Purcell, bills on the Addendum Calendar were considered at this time.

REGULAR CALENDAR, ADDENDUM

House Bill No. 2543 -- Appropriations -- Makes appropriations to defray expenses of state government for fiscal year beginning July 1, 1992.

On motion, House Bill No. 2543 was made to conform with Senate Bill No. 2444.

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On motion, **Senate Bill No. 2444**, on same subject, was substituted for House Bill No. 2543.

Rep. Bragg moved that **Senate Bill No. 2444** be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 2444 by deleting each and every section of Senate Bill No. 2444 and by substituting instead new Sections 1 through 56, namely:

Sections 1 through 56 of House Bill No. 2543 as filed for introduction on February 26, 1992; printed and distributed as Senate Bill No. 2444; and considered to be part of this amendment.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 2444 by deleting from Section 6, Item 9 of the bill, as introduced, the citation "Senate Bill No. /House Bill No. ," and by substituting instead the new citation "Senate Bill No. 2447/House Bill No. 2544,".

AND FURTHER AMEND by deleting from Section 9, Item 8 of the bill, as introduced, the citation "Senate Bill No. /House Bill No. and by substituting instead the new citation "Senate Bill No. 2447/House Bill No. 2544".

AND FURTHER AMEND by deleting from Section 10, Item 4 (5) and Section 10, Item 23 of the bill, as introduced, the reference to the "Commissioner of Health and Environment" and by substituting instead the new reference "Commissioner of Health".

AND FURTHER AMEND by deleting from Section 15, Item 9 and Section 35, Item 4 of the bill, as introduced, the reference to the "Department of Health and Environment" and by substituting instead the new reference "Department of Health".

AND FURTHER AMEND by deleting from Section 36, Item 4 of the bill, as introduced, the reference to "Section 36, Item 9." and by substituting instead the new reference "Section 36, Item 5.".

AND FURTHER AMEND by deleting from Section 36, Item 6 of the bill, as introduced, the reference to "Section 36, Item 6."

and by substituting instead the new reference "Section 36, Item 7."

AND FURTHER AMEND by deleting from Section 46 of the bill, as introduced, the citation "Senate Bill No. ____/House Bill No. ____,"

AND by substituting instead the new citation "Senate Bill No. 2447/House Bill No. 2544,".

AND FURTHER AMEND by deleting from Section 1, Title III-5 of the bill, as introduced, Items 1 through 9, 15, 16, 18, 19 and 20 in their entirety and substituting instead new items to read:

"1. Administration	\$ 3,208,900.00
2. Historical Commission	647,100.00
3. Land Reclamation	689,200.00
4. Archaeology	373,700.00
5. Geology	1,024,100.00
6. Parks and Recreation.....	13,357,500.00
7. Ecological Services	278,300.00
8. Departmental Maintenance	4,216,700.00
9. Facilities Management	394,900.00
15. Water Management	5,860,400.00
16. Solid Waste Management	1,981,700.00
18. Hazardous Waste Remedial Action Fund	405,300.00
19. Ground Water	3,100,800.00
20. Underground Storage Tanks	16,005,200.00"

AND FURTHER AMEND by deleting from Section 1, Title III-7 of the bill, as introduced, Items 3 and 24 and Total Title III-7 in their entirety and by substituting instead new items and Total Title III-7 to read:

"3. State Prosecutions	38,812,100.00
24. Southcentral Correctional Center	12,261,200.00
Total Title III-7	\$260,257,400.00"

AND FURTHER AMEND by deleting from Section 1, Title III-16 of the bill, as introduced, Items 2.1 and 2.4 in their entirety and by substituting instead new items to read:

"2.1 Health Care Facilities	\$ 2,741,000.00
2.4 Health Related Boards	3,972,700.00"

AND FURTHER AMEND by deleting from Section 1, Title III-18 of the bill, as introduced, the figure "1,808,200.00" and by substituting instead the figure "1,908,200.00" and by changing the total accordingly.

AND FURTHER AMEND by deleting from Section 1, Title III-21 of the bill, as introduced, the figure "85,000.00" and by substituting instead the figure "127,500.00" and by changing the total accordingly.

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AND FURTHER AMEND by deleting from Section 1, Title III-25 of the bill, as introduced, Items 1.11, 1.12 and 1.14 in their entirety and by substituting instead new items to read:

"1.11 Planning and Research	1,500,000.00
1.12 Interstate Construction	10,425,000.00
1.14 State Highway Construction	211,705,000.00"

AND FURTHER AMEND by deleting from Section 4, Title III-5 of the bill, as introduced, Items 1, 5, 6, 12, 13, 15, 16 and 17 and Total Title III-5 and by substituting instead new items and Total Title III-5 to read:

"1. Administration	\$ 1,854,100.00
5. Archaeology	255,500.00
6. Geology	153,100.00
12. Water Management	7,177,300.00
13. Solid Waste Management	4,626,300.00
15. Hazardous Waste Remedial Action Fund	5,876,300.00
16. Ground Water	2,883,700.00
17. Underground Storage Tanks	3,036,500.00
Total Title III-5	\$81,277,000.00"

AND FURTHER AMEND by deleting from Section 4, Title III-8 of the bill, as introduced, the figure "14,839,900.00" and by substituting instead the figure "11,839,900.00" and by changing the total accordingly.

AND FURTHER AMEND by deleting from Section 4, Title III-24 of the bill, as introduced, Items 1, 3, 4 and 8 and Total Title III-24 in their entirety and by substituting instead new items and Total Title III-24 to read:

"1. Planning and Research	\$ 6,200,000.00
3. Interstate Construction	83,100,000.00
4. State Highway Construction	261,700,000.00
8. Mass Transit	5,200,000.00
Total Title III-24	\$426,650,000.00"

AND FURTHER AMEND by adding to Section 7 of the bill, as introduced, the following new items to read:

"Item _____. Department of Employment Security in Section 4, Title III-11, the sum of \$1,500,000.00 is specifically appropriated from the unemployment compensation special administrative fund under the provisions of T.C.A., Section 50-7-503.

Item _____. Department of Human Services for the Aid to Families with Dependent Children (AFDC) program, the Department of Human Services shall provide AFDC grants at amounts equal to 43.5% of the adjusted AFDC standard of need; provided however, that there shall be deducted from the AFDC appropriation any sums which may be required to be paid in the form of interim benefits, fines, bonds, court

costs, litigation costs, or attorneys fees as a result of any court order or injunction affecting such program or any officer or employee of the state of Tennessee. Any such amounts required to be paid as a result of such court order shall be payable only from this appropriation. In such case, the AFDC grants, payable as a percentage of the adjusted AFDC standard of need, set forth above shall be reduced accordingly based upon calculations by the Department of Human Services and the Department of Finance and Administration so as to require expenditures under the AFDC program to remain within the sums heretofore appropriated for the AFDC program.

AND FURTHER AMEND by deleting from the introductory paragraph of Section 8 of the bill, as introduced, the language "subject to the approval of the Commissioner of Finance and Administration," and by substituting instead the language:

"subject to the provisions of Tennessee Code Annotated, Title 4, Chapter 3, Part 10 and Title 9, Chapter 6, Part 1,"

AND FURTHER AMEND by deleting from Section 8 of the bill, as introduced, Items 4, 6, 7 and 10 in their entirety and by renumbering the remaining items.

AND FURTHER AMEND by adding to Section 8, Item 8 of the bill, as introduced, a new sentence at the end of the item to read:

"In matters involving departments, agencies and/or programs funded in whole or in part with federal aid and/or departmental revenues and reserves the sum sufficient appropriation may be provided in whole or in part from said revenues and reserves."

AND FURTHER AMEND by deleting from the introductory paragraph of Section 9 of the bill, as introduced, the language "subject to the approval of the Commissioner of Finance and Administration," and by substituting instead the language:

"subject to the provisions of Tennessee Code Annotated, Title 4, Chapter 3, Part 10 and Title 9, Chapter 6, Part 1,"

AND FURTHER AMEND by striking the period in the last sentence of Section 9, Item 1 of the bill, as introduced, and by adding the language:

"and to establish such positions as may be required."

AND FURTHER AMEND by deleting from Section 9 of the bill, as introduced, Item 11 in its entirety and by substituting instead a new item to read:

"Item 11. To the Department of Correction in an amount equal to the balance in the revolving fund of the

Correctional Enterprises of Tennessee for benefit of the program."

AND FURTHER AMEND by deleting from Section 11 of the bill, as introduced, Item 1 in its entirety and by substituting instead a new item to read:

"Item 1. The appropriations made in Section 1, Title III-9, Item 2.1(e) in the amount of \$1,175,504,100.00 and elsewhere in this act in the amount of \$226,600,000.00 for the Basic Education Program are hereby appropriated for the purpose of implementing the provisions of Public Chapter 535, Public Acts of 1992."

AND FURTHER AMEND by adding to Section 11 of the bill, as introduced, the following new items:

Item _____. In addition to the appropriations made in Section 1, Title III-9, of this act, there is hereby appropriated the sum of \$226,600,000.00 to the Basic Education Program. Of this amount the sum of \$113,545,000.00 is intended to restore the reductions made in the 1991-92 school year, and the sum of \$113,055,000.00 is intended for improvement.

Item _____. From the interest earnings of the Education Trust Fund of 1992 and the Basic Education Program Account there is hereby appropriated a sum sufficient to the Department of Education for development of a computer system.

Item _____. At June 30, 1993, any surplus in the Education Trust Fund and/or the Basic Education Program Account shall be reserved to provide for enrollment growth in excess of two percent (2%)."

Item _____. To the extent that the new sales tax revenue generated by Public Chapter 529 of the Public Acts of 1992 exceeds \$230,000,000.00 during the 1992-93 fiscal year, a sum not to exceed \$1,000,000.00 is hereby appropriated to implement the grants authorized for family resource centers pursuant to Section 85 of Public Chapter 535 of the Public Acts of 1992. Eligibility for such grants and the conditions associated with such grants shall be established by the commissioner of education with the concurrence of the commissioner of finance and administration. Provided, however, that such eligibility standards and conditions shall not become final until they have been presented in writing to the Select Committee on Children and Youth and the Select Committee has submitted written comments to the commissioner of education and the commissioner of finance and administration for their consideration in adopting final eligibility standards and conditions for receipt of such grants. This appropriation shall become effective upon a certification from the

commissioner of finance and administration to the chairman of the finance, ways and means committees of the senate and house of representatives that a reasonable estimate of the revenue which will be received from enactment of the additional sales tax revenue pursuant to Public Chapter 529 for fiscal year 1992-93 will exceed \$230,000,000.00. The appropriation will be established in the amount of such excess, not to exceed \$1,000,000.00. This appropriation shall not revert at June 30, 1993, but shall remain available for expenditure in the 1993-94 fiscal year.

AND FURTHER AMEND by deleting from Section 12, Item 1 of the bill, as introduced, the figure "\$1,765,000.00" and by substituting instead the figure "\$2,365,000.00".

AND FURTHER AMEND by adding to Section 12 of the bill, as introduced, the following new item:

Item _____. It is the intent of the general Assembly that the commissioner of health shall have the authority to promulgate, as public necessity rules pursuant to Tennessee Code Annotated, Section 4-5-209, those rules and regulations which concern the Medicaid program and which require promulgation in order for the state of fiscally function (i) within the appropriations provided for the Medicaid program or (ii) within the availability of revenues received for the Medicaid program.

AND FURTHER AMEND by adding to Section 15, Item 7 of the bill, as introduced, a new paragraph at the end of the item to read:

"Subject to the approval of the State Building Commission, there is hereby appropriated a sum sufficient to replace any real estate transaction fees that are waived."

AND FURTHER AMEND by adding to Section 15 of the bill, as introduced, the following new items to read:

"Item _____. The Commissioner of General Services is authorized to develop and implement a system for charging user agencies for the services of the central procurement office. The Commissioner of Finance and Administration is further authorized to allocate the appropriation made under Section 1, Title III-2, Item 6.4 to the user agencies and to adjust federal aid and departmental revenue accordingly.

Item _____. From indirect cost recovery revenues there is hereby appropriated a sum sufficient to the Department of Finance and Administration to monitor the indirect cost recovery plans, direct federal reimbursement and the grant making activities of the state departments and agencies. The Commissioner is authorized to establish the necessary positions for this activity."

AND FURTHER AMEND by adding to Section 16 of the bill, as introduced, a new item to read:

"Item _____. The appropriation in Section 1, Title III-21, to the Consolidated Retirement System of the State of Tennessee in the amount of one hundred thousand dollars (\$100,000.00) is for retirement contribution for certain general sessions judges. It is the legislative intent that the appropriation equal revenue collected and apportioned under the provisions of Tennessee Code Annotated, Title 67, Chapter 4, Part 6, for general sessions judges, and the Commissioner of Finance and Administration shall increase or decrease the appropriation for those judges accordingly."

AND FURTHER AMEND by deleting from Section 29, Item 11 of the bill, as introduced, the language "subject to the approval of the Commissioner of Finance and Administration." and by substituting instead the language "subject to the provisions of Tennessee Code Annotated, Title 4, Chapter 3, Part 10 and Title 9, Chapter 6, Part 1."

AND FURTHER AMEND by deleting from Section 31, Item 9 of the bill, as introduced, the figure "\$50,859,000.00" and by substituting instead the figure "\$52,844,000.00".

AND FURTHER AMEND by deleting from Section 31, Item 9 of the bill, as introduced, the following language:

"Based upon an anticipated CDBG allocation in the federal fiscal years 1992 and 1993 of \$25,429,900.00 each year, the following target funding levels shall be established:

	Federal FY '92	Federal FY '93
Administrative Costs	\$ 608,600	\$ 608,600
Industrial Location/ Expansions/Retentions	2,310,700	2,310,700
Community Livability	2,167,700	2,167,700
Water/Sewer/Solid Waste	16,484,300	16,484,300
Housing and Neighborhood Revitalization	2,858,600	2,858,600
Set-Aside	1,000,000	1,000,000"

AND by substituting instead new language to read:

"Based upon an anticipated CDBG allocation in the federal fiscal years 1992 and 1993 of \$26,422,000.00 each year, the following target funding levels shall be established:

	Federal FY '92	Federal FY '93
Administrative Costs	\$ 628,400	\$ 628,400

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Industrial Location/ Expansions/Retentions		
Community Livability	2,496,000	2,496,000
Water/Sewer/Solid Waste	19,007,000	19,007,000
Housing and Neighborhood Revitalization	3,290,600	3,290,600
Set-Aside	1,000,000	1,000,000"

AND FURTHER AMEND by adding to Section 34 of the bill, as introduced, the following new items:

"Item _____. From the appropriation made to the Attorney General and Reporter in Section 1, Title III-1, Item 1.1 a sum sufficient is authorized to be transferred to Publications.

Item _____. From the funds appropriated to the Department of Health in Section 1, Title III-17, the Commissioner of Finance and Administration is authorized to make transfers between appropriation items for the purpose of providing funds to the Chronic Renal Disease Program as may be required."

AND FURTHER AMEND by adding to Section 35 of the bill, as introduced, the following new items to read:

"Item _____. From the funds appropriated in Section 1, Title III-16, and Section 4, Title III-18, to the Department of Health, the Commissioner of Finance and Administration is authorized to make transfers between appropriation items for purposes of a) assuring compliance with new maintenance of effort and state matching requirements of the Maternal and Child Health Services Block Grant, and b) as required, for management purposes relative to the Children's Service Plan and Community Health Agencies.

Item _____. From the funds appropriated to the Department of Mental Health and Mental Retardation in Section 1, Title III-14, Item 3.2, for Mental Retardation Community Services, the Commissioner of Finance and Administration is authorized to transfer a sum sufficient to the Medicaid Program in the Department of Health to provide the State match for an expanded Medicaid waiver program for community services to the mentally retarded. Furthermore, the Commissioner of Finance and Administration may increase the interdepartmental revenue estimate for the Community Mental Retardation Program and increase federal aid revenue estimates for the Medicaid Program in the Department of Health accordingly."

AND FURTHER AMEND by deleting Section 39 of the bill, as introduced, in its entirety and by substituting a new Section 39 to read:

"SECTION 39. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. There is hereby appropriated from departmental revenues and federal aid funds the amounts hereinafter set out:

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	<u>1991-92</u>	<u>1992-93</u>
Executive Programs		
1. Environmental Policy Group \$	314,100	\$ 75,000
Commissions		
1. Children & Youth	\$ -	\$ 35,800
2. Aging Commission	130,000	100,000
3. Housing Development Agency	-	32,000
4. Arts Commission	25,000	-
Total Commissions \$	155,000	\$ 167,800
Department of Agriculture		
1. Plant Industries \$	126,000	\$ 66,000
2. Forestry	30,000	30,000
3. Soil and Water Conservation	175,000	85,000
Total Agriculture \$	331,000	\$ 181,000
Department of Environment and Conservation		
1. Parks & Recreation \$	367,700	\$ 367,700
2. Ecological Services	70,000	-
3. Construction Grants & Loans	10,500,000	10,500,000
4. Hazardous Waste Fund	30,900	83,100
5. Underground Storage Tanks	-	215,300
Total Environment and Conservation	\$10,968,600	\$11,166,100
Higher Education		
1. Student Assistance Corp. \$	1,183,300	\$ -
2. Academic Scholars Program	77,000	-
Total Higher Education \$	1,260,300	\$ -
Department of Commerce & Insurance		
1. Insurance \$	75,000	\$ -
Department of Mental Health and Mental Retardation		
1. Community Mental Health \$	90,000	\$ 270,000
2. Mental Retardation Adm.	42,600	42,600
3. Community Mental Retardation	-	681,900
4. Clover Bottom Dev. Center	-	81,000
Total Mental Health and Mental Retardation \$	132,600	\$ 1,075,500
Department of Youth Development		
1. Woodland Hills Y.D.C. \$	3,700	\$ 14,800
2. Mountain View Y.D.C.	3,700	14,800
Total Youth Development \$	7,400	\$ 29,600
Department of Health		
1. Family Planning \$	223,700	\$ 223,700
2. Children's Special Services	34,300	37,500
3. Communicable Disease Control	407,300	1,201,000
4. Health Promotion	-	518,500
5. WIC Program	886,500	886,500
6. Health Access	-	28,000
Total Health \$	1,551,800	\$ 2,895,200

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Department of Human Services

1. Family Assistance	\$ 2,842,300	\$ 2,272,600
2. Community Services	95,200	228,400
3. Vocational Rehabilitation	5,386,600	178,900
Total Human Services	\$ 8,324,100	\$ 2,679,900

Tennessee Bureau of Investigation

1. Tennessee Bureau of Investigation	\$ 70,000	\$ 363,400
Total	\$23,189,900	\$18,633,500

The Commissioner of Finance and Administration is authorized to establish 9 full-time positions and 8 part-time positions and to allocate them to the appropriate organizational units. At June 30, 1992, any unexpended balances of departmental revenues and federal aid funds appropriated in this section are hereby reappropriated in the fiscal year beginning July 1, 1992."

AND FURTHER AMEND by deleting from Section 40, Item 1 of the bill, as introduced, the language "subject to approval by the Commissioner of Finance and Administration and the State Comptroller." and by substituting instead the language "subject to certification of the accrued liability by the Commissioner of Finance and Administration to the State Comptroller."

AND FURTHER AMEND by deleting from Section 40, Item 2 of the bill, as introduced, the language "subject to approval by the Commissioner of Finance and Administration." and by substituting instead the language "subject to certification of the accrued liability by the Commissioner of Finance and Administration to the State Comptroller."

AND FURTHER AMEND by adding to Section 41, Item 4 of the bill, as introduced, a new sentence at the end of the item to read:

"This appropriation shall not revert to the general fund balance at June 30, 1992, but shall remain available for expenditure in the 1992-93 fiscal year."

AND FURTHER AMEND by deleting from Section 41, Items 5, 6, 11, 16, and 22 of the bill, as introduced, the language "subject to approval by the Commissioner of Finance and Administration." and by substituting instead the language "subject to the provisions of Tennessee Code Annotated, Title 4, Chapter 3, Part 10 and Title 9, Chapter 6, Part 1."

AND FURTHER AMEND by deleting from Section 41, Items 14 and 15 of the bill, as introduced, the language "subject to the approval of the Commissioner of Finance and Administration." and by substituting instead the language "subject to the provisions of Tennessee Code Annotated, Title 4, Chapter 3, Part 10 and Title 9, Chapter 6, Part 1."

AND FURTHER AMEND by deleting from Section 41, Item 20 of

the bill, as introduced, the language "subject to the approval by the Commissioner of Finance and Administration." and by substituting instead the language "subject to the provisions of Tennessee Code Annotated, Title 4, Chapter 3, Part 10 and Title 9, Chapter 6, Part 1."

AND FURTHER AMEND by deleting from Section 41 of the bill, as introduced, Item 7 in its entirety and by substituting a new item to read:

"Item _____. There is hereby appropriated a sum sufficient to provide for a consultant's services in a review of accounts receivable management for the State of Tennessee and for the implementation of those recommendations to the extent the recommendations are approved by the Commissioner of Finance and Administration. It is the intent of the legislature that said appropriation shall be funded from revenues collected from accounts receivable. The Commissioner of Finance and Administration may establish such positions as may be required to cost effectively implement such recommendations."

AND FURTHER AMEND by deleting in its entirety Section 41, Item 9 of the bill, as introduced, and by renumbering the subsequent items.

AND FURTHER AMEND by deleting from Section 41 of the bill, as introduced, Item 10 in its entirety and by substituting a new item to read:

"Item _____. In addition to the appropriations made in Section 4 of this act to the Department of Safety, the Department of Revenue and the Alcoholic Beverage Commission, there is hereby appropriated a sum sufficient from the proceeds of property seized and forfeited under federal procedures which are shared with the departments or the commission. This appropriation is subject to the provisions of Tennessee Code Annotated, Title 4, Chapter 3, Part 10 and Title 9, Chapter 6, Part 1. This appropriation shall not revert to the general fund at June 30, 1993, but shall be reappropriated in the subsequent fiscal year."

AND FURTHER AMEND by deleting from Section 41, Item 13 of the bill, as introduced, the language "subject to approval by the Commissioner of Finance and Administration" and by substituting instead the language "subject to the provisions of Tennessee Code Annotated, Title 4, Chapter 3, Part 10 and Title 9, Chapter 6, Part 1".

AND FURTHER AMEND by deleting from Section 41, Item 16 of the bill, as introduced, the period at the end of the first sentence and by adding new language at the end of the first sentence to read:

"and to provide for costs associated with the master plan

for the Department of Mental Health and Mental Retardation including oversight, monitoring and evaluation of the plan."

AND FURTHER AMEND by adding to Section 41 of the bill, as introduced, the following new items to read:

Item _____. There is hereby appropriated a sum sufficient, not to exceed \$250,000.00, to pay the expenses of the First Extraordinary Session of the Ninety-seventh General Assembly, including the expenses of carrying out any actions taken pursuant to the call of the session.

Item _____. In the fiscal year ending June 30, 1992, there is hereby appropriated the sum of \$180,000.00 to the retirees health insurance program.

Item _____. There is hereby appropriated to the Department of Correction a sum sufficient not to exceed \$5,000,000.00 in the fiscal year ending June 30, 1992, to meet the State's obligations and requirements under the court supervision of the prison system.

Item _____. In the fiscal years ending June 30, 1992, and June 30, 1993, it is the legislative intent that revenues available to the Wildlife Resources Agency are hereby appropriated to implement the programs, activities and projects approved by the Wildlife Resources Agency Commission. The Commissioner of Finance and Administration is authorized to adjust the appropriations and departmental revenue accordingly.

Item _____. From the appropriation made under Chapter 509, Public Acts of 1991, in Section 4, Title III-11, to the Department of Employment Security, the sum of \$1,500,000.00 is specifically appropriated from the unemployment compensation special administrative fund under the provisions of T.C.A., Section 50-7-503.

Item _____. There is hereby appropriated to the Department of Health, Division of Medicaid Services, the sum of \$7,701,500.00 in the fiscal year ending June 30, 1992. There is further appropriated all federal match revenues available to the program in the fiscal year ending June 30, 1992.

Item _____. There is hereby appropriated to the Department of Revenue the sum of \$496,600.00 in the fiscal year ending June 30, 1992, and the sum of \$289,700.00 in the fiscal year ending June 30, 1993, for the purposes of implementing Public Chapter 529 of the Public Acts of 1992. This appropriation shall not revert to the general fund balance at June 30, 1992, but shall be available for expenditure in the 1992-93 fiscal year.

Item _____. The Department of General Services is

authorized to charge back to user agencies for new systems development and support services and such revenues are hereby appropriated to the department.

Item _____. In addition to funds appropriated in Section 4, Title III-18, any additional federal funds made available for the implementation of the Clinical Labs Improvement Act are hereby appropriated. Further, the Commissioner of Finance and Administration is authorized to reduce any state appropriations in Section 1, Title III-16, not required as a result of these additional federal funds and is authorized to adjust position authorizations between appropriation items as required and/or to increase position authorizations as may be required to implement the federal program.

Item _____. Subject to the passage of Senate Bill No. 2529/ House Bill No. 2537, there is hereby appropriated a sum sufficient to the Department of Human Services for the adoption services program. Said appropriation shall not exceed the additional revenue collected under the provisions of Senate Bill No. 2529/House Bill No. 2537.

Item _____. Subject to the passage of Senate Bill No. 2537/House Bill No. 2523, there is hereby appropriated a sum sufficient to the Department of Safety to improve driver license issuance including the driver license and motor vehicle title systems. Said appropriation shall not exceed the additional revenue collected under the provisions of Senate Bill No. 2537/House Bill No. 2523.

Item _____. There is hereby appropriated a sum sufficient from revenues and reserves available to the Division of Property Utilization, Department of General Services to reimburse the Department of Transportation for certain fees associated with the disposal of surplus property.

Item _____. The appropriation made in Section 1, Title III-7 of this act for State Prosecutions shall be administered by the Department of Correction.

Item _____. There is hereby appropriated to the Office for Information Resources a sum sufficient from the revenues produced by the telecommunications network system. Further, it is the legislative intent that the net revenues received be allocated as follows: a) net revenues from higher education institutions and facilities shall be allocated to higher education as determined by the Commissioner of Finance and Administration; b) net revenues from the Department of Correction are hereby appropriated to the department; and c) all remaining net revenues are hereby appropriated for telecommunications purposes including office automation and electronic mail.

Item _____. From the funds appropriated to the State Office Buildings and Support Facilities Revolving Fund (FRF)

reserves in this act, there is hereby appropriated the sum of \$51,414.05 to the Department of Commerce and Insurance for the sole purpose of paying for tenant improvements under State Lease #LE3431. The department is further authorized to pay any interest due, as determined by the Attorney General, under the Prompt Payment Act, and said funds are hereby appropriated from the FRF reserves.

Item _____. From the funds appropriated in this act to departments, agencies, boards and commissions for the purpose of making Claims Award Fund contributions, the Commissioner of Finance and Administration may transfer \$21,989,822.00 to the Claims Award Fund. This amount plus the \$5,487,277.00 set aside for the federal government's share of the Claims Award Fund reserves may be used to adjust the claims award contribution rate for the 1992-93 fiscal year.

Item _____. There is hereby appropriated a sum sufficient amount from the reserves of the State Offices Buildings and Support Facilities Revolving Fund (FRF) to reimburse the federal government the difference between allowable cost, as defined by the Office of Management and Budget's Circular A-87, for FRF facilities and the amount billed and paid into the FRF by the federal government for the 1990, 1991, and 1992 fiscal years. Provided, however, that in lieu of reimbursement the state may negotiate an agreement with the federal government to allow the state to use the above amounts to adjust future billings. In such case the amounts described above shall be used to adjust allowable costs under Circular A-87.

Item _____. There is hereby appropriated from the State Office Buildings and Support Facilities Revolving Fund (FRF) reserves a sum sufficient amount equal to the difference between the cost for operation of FRF facilities as defined under the Office of Management and Budget's Circular A-87 and the amount that would have been billed and paid by the federal government at the FRF market lease rates. The Commissioner of Finance and Administration is authorized to distribute said appropriation to departments, agencies, boards, and commissions to fund any difference between reimbursements received from the federal government utilizing A-87 allowable costs and the FRF market lease rates.

Item _____. The Commissioner of Finance and Administration is hereby authorized to adjust departmental revenue estimates and related expenditures: a) for internal service funds to record fees received for services provided to departments, agencies, boards, and commissions and b) to record payment for services provided to state agencies by another state agency.

Item _____. From the appropriations made in Section 1,

Titles III-2 through III-21 and in Section 4, Titles III-2 through III-23 of this act, the Commissioner of Finance and Administration is authorized to transfer appropriations for payroll equity balances between departments and agencies of the executive branch and to adjust federal aid and departmental revenue appropriations accordingly.

Item _____. From the appropriations made for the children's programs, the Department of Health and the Department of Finance and Administration are authorized to establish fourteen (14) positions and associated support costs to provide program support for coordination, assessment, and delivery of services to children."

Item _____. Subject to the passage of Senate Bill No. 2526 / House Bill No. 2519, there is hereby appropriated a sum not to exceed \$2,418,000.00 to implement the provisions of the bill. Of this sum, \$142,000.00 shall be non-recurring.

There is further appropriated a sum sufficient not to exceed \$5,000,000.00 for establishing the worker's compensation insurance fund. Approval for establishing the fund shall be pursuant to the provisions of the act, and this appropriation shall be repaid over a period not greater than five (5) years under terms and conditions to be established by the state funding board. Such terms and conditions shall include repayment within five (5) years, interest to be paid at the same rate as is earned by the state treasurer on an annual basis, and a payment schedule to require equal annual or biannual payments.

Notwithstanding other provisions of this act to the contrary, there is hereby appropriated a sum sufficient from state shared taxes to provide for the local government costs of implementing the act.

AND FURTHER AMEND by deleting from Section 48 of the bill, as introduced, Items 4, 5 and 6 in their entirety.

AND FURTHER AMEND by adding to Section 48 of the bill, as introduced, a new item to read:

"Item _____. In the fiscal year ending June 30, 1992, the Commissioner of Finance and Administration is authorized to make appropriation transfers within a department or agency to accomplish budget reversions and adjustments within that department or agency according to the schedules included with the memorandum, "SAVINGS PLAN FOR THE CURRENT FISCAL YEAR", addressed to the Chairmen of the Finance, Ways and Means Committees and dated March 30, 1992. The Commissioner is further authorized to adjust federal aid and departmental revenues accordingly."

AND FURTHER AMEND by adding a new section to the bill to read:

"SECTION _____. The appropriations made in Section 1 of this act are hereby reduced in an amount of not less than \$21,000,000.00 in recognition of new employer contribution rates to the Tennessee Consolidated Retirement System effective on July 1, 1992. The Commissioner of Finance and Administration shall adjust the individual line-item appropriations in Section 1 in recognition of the new TCRS rates and shall further adjust the appropriations to the Department of Transportation, Public Service Commission, Wildlife Resources Agency and Department of Financial Institutions accordingly before establishing the work program allotments.

The appropriations made in Section 4 of this act are hereby reduced in recognition of new employer contribution rates to the Tennessee Consolidated Retirement System effective on July 1, 1992. The Commissioner of Finance and Administration shall adjust the individual line-item appropriations in Section 4 accordingly before establishing the work program allotments."

AND FURTHER AMEND by adding a new section to the bill, as introduced, to read:

SECTION _____. The provisions of this section shall take effect upon becoming a law, the public welfare requiring it.

Item _____. Subject to the passage of Senate Bill No. 2818/ House Bill No. 2816, there is hereby appropriated a sum sufficient to the Department of Revenue to administer the revenue collection provisions of the act.

AND FURTHER AMEND by adding to Section 41 of the bill, as introduced, a new item to read:

"Item _____. In the fiscal year ending June 30, 1992, there is appropriated a sum sufficient to the local education agencies under the provisions of Section 9.(a)(1) of Chapter 529, Public Acts of 1992."

AND FURTHER AMEND by adding a new section to the bill, as introduced, to read:

Section _____. The provisions of this section shall take effect upon becoming a law, the public welfare requiring it.

Item 1. Subject to certification by the commissioner of finance and administration to the finance, ways and means committees of the senate and house of representatives that funds are available, there is hereby appropriated to the department of

health, Medicaid, a sum not to exceed \$893,870,600.00 which shall be in lieu of the appropriations made in Section 1, Title III-16 of this act. The commissioner of finance and administration is authorized to allocate the proceeds of this appropriation between the various Medicaid allotment codes and adjust the federal aid and departmental revenue accordingly.

Item 2. Subject to certification by the commissioner of finance and administration to the finance, ways and means committees of the senate and house of representatives that funds are available, there is hereby appropriated a sum not to exceed \$65,000,000.00 to an indigent health care pool for the purpose of offsetting the financial burden that may be placed on hospitals in providing necessary services to medically indigent citizens. This appropriation shall be administered by the department of finance and administration.

Item 3. Subject to certification by the commissioner of finance and administration to the finance, ways and means committees of the senate and house of representatives that funds are available, there is hereby appropriated a sum not to exceed \$15,000,000.00 for the implementation of Senate Bill No. 2395 / House Bill No. 2217. This appropriation shall be administered by the department of health.

Item 4. The provisions of this item shall take effect upon becoming a law, the public welfare requiring it. The commissioner of finance and administration is directed to the maximum extent practicable to reduce the state Medicaid appropriation in an amount not to exceed \$35,000,000.00 for fiscal year 1991-92. In order to maintain Medicaid expenditures at its projected funding level for fiscal year 1991-92, the commissioner of health is directed to use certified public expenditures and/or intergovernmental transfers from government-related Medicaid service providers for the purpose of matching funds under federal law for the Medicaid program, in accordance with federal law and regulations.

Item 5. For fiscal year 1992-93, in addition to all other appropriations to the Medicaid program, the commissioner of health is directed to use, to the fullest extent possible, certified public expenditures and/or intergovernmental transfers from all government-related Medicaid service providers for the purpose of matching funds under federal law for the Medicaid program. The use of the certified public expenditures and/or intergovernmental transfers shall be in accordance with federal law and regulations.

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AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item ____ In addition to any other funds appropriated by the provisions of this act, and specifically to mitigate reductions made in appropriations to higher education, there is hereby appropriated the following amounts for the following institutions of higher education:

	1992-93 \$45.9 Million Increase Budget
Austin Peay	\$1,986,000
East Tennessee	1,991,000
Memphis State	3,628,000
Middle Tennessee	3,532,000
Tennessee State	1,228,000
Tennessee Tech	1,293,000
subtotal	\$ 13,658,000
Chattanooga	\$ 1,391,000
Cleveland	447,000
Columbia	583,000
Dyersburg	353,000
Jackson	536,000
Motlow	559,000
Nashville State Tech	373,000
Northeast	950,000
Pellissippi	1,957,000
Roane	1,014,000
Shelby	1,767,000
State Tech Memphis	1,215,000
Volunteer	1,046,000
Walters	1,187,000
subtotal	\$ 13,378,000
UT Chattanooga	1,255,000
UT Knoxville	5,540,000
UT Martin	948,000
subtotal	\$ 7,743,000
Total Academic Formula	\$ 34,779,000
ETSU College of Medicine	\$ 332,000
ETSU Family Practice	135,000
UT College of Medicine	1,132,000
UT Family Medicine	156,000
UT Veterinary Medicine	488,000
UT Memphis	1,575,000
Contract Education	234,000

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Area Voc-Tech Schools	1,419,000

subtotal	\$5,471,000
UT Ag Experiment Station	781,000
UT Space Institute	325,000

subtotal	\$1,106,000
UT Ag Extension Service	\$ 660,000
County Tech Assistance	194,000
Municipal Tech Advisory	238,000
Institute for Public Service	1,047,000

subtotal	\$2,139,000
UT University-Wide Administration	\$ 0
Tennessee Board of Regents	0
Student Assistance Corporation	579,000
Higher Education Commission	0
Foreign Language Institute	127,000

subtotal	\$ 706,000
Total Formula & Specialized	\$44,201,000
Centers of Excellence	\$ 0
Campus Centers of Emphasis	0
Vocational Improvements	0

subtotal	\$ 0
Total Higher Education Operating	\$44,201,000
Endowments and Special Programs	
Academic Scholarships	\$ 104,000
Instructional Equipment	0
Chairs of Excellence	0
Teacher Discount Program	910,000
State Employee Fee Waivers	\$ 696,000
GRAND TOTAL	\$45,911,000

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item ____: In addition to any other funds appropriated by the provisions of this act, there is appropriated the following amounts to institutions of higher education for equipment purchase and replacement:

Austin Peay	\$ 162,000
East Tennessee	298,000
Memphis State	831,000
Middle Tennessee	403,000

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Tennessee State	280,000
Tennessee Tech	437,000
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subtotal	\$2,411,000
Chattanooga	\$ 182,000
Cleveland	60,000
Columbia	63,000
Dyersburg	41,000
Jackson	63,000
Motlow	52,000
Nashville State Tech	129,000
Northeast	70,000
Pellissippi	147,000
Roane	93,000
Shelby	66,000
State Tech Memphis	138,000
Volunteer	56,000
Walters	86,000
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subtotal	\$1,246,000
UT Chattanooga	\$ 220,000
UT Knoxville	\$1,626,000
UT Martin	122,000
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subtotal	\$1,968,000
Total Academic Formula	\$5,625,000
ETSU College of Medicine	\$ 167,000
UT College of Medicine	448,000
UT Veterinary Medicine	138,000
UT Memphis	371,000
UT Space Institute	153,000
UT Ag Extension	53,000
UT Ag Experiment	244,000
UT Institute for Public Service	80,000
Area Vocational-Technical Schools	121,000
Grand Total	\$7,400,000

AND FURTHER AMEND by adding the following at the end of Item 4 of Section 29:

It is the further intent of the General Assembly that additional funds provided for higher education under amendments to this bill are intended to mitigate against any fee increases during the 1992-1993 fiscal year beyond those contemplated in budget assumptions made by the Tennessee higher education commission.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

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Item _____. In addition to all other appropriations made by the provisions of this act, there are appropriated the following sums for capital outlay:

School for the Blind - Equipment	\$1,100,000
Camp Clement - Pool Repair	180,000

Higher Education	
Capital Maintenance	\$5,560,000

Board of Regents

Tennessee State University	
Wilson Hall Renovation	2,142,000
Site Utilities - Phase Two	750,000
McCord/Library Renovation	1,671,000
Women's Buildings	1,285,000
General Campus Upgrade	1,500,000
New Engineering Building Repairs	176,000
Site Development Phase 1B	750,000
Acquisition / Demolition	750,000

Other Projects

APSU Harned Hall Renovation	\$3,569,000
Chattanooga STCC Campus Expansion	6,216,000
Chattanooga STCC - Renovation	645,000
Columbia State Humanities/ Education Building - Planning	170,000
Dyersburg State Phase One-Planning	220,000
Jackson State Education Building - Planning	200,000
Memphis State Library	3,750,000
Motlow State Phase One-Planning	430,000
MTSU Campus Expansion, Renovation & Planning	1,122,000
Northeast STCC Land Acquisition & Planning	825,000
Pellissippi STCC Phase One-Planning	778,000
Roane State Campus and Humanities Building - Planning	810,000
TTU Agriculture Pavillion [sic]	1,500,000
Vol State Library Addition-Planning	135,000
Vol State Library & Campus Renovations	5,362,000

University of Tennessee

UT Chattanooga Land Acquisition	\$ 182,000
UT Chattanooga Fletcher Hall - Planning	345,000
UT College of Law - Planning	700,000
UT Knoxville Boiler & Steamline	5,000,000
UT Martin Library	4,450,000

Correction

Knoxville Community Service-Sewer / Force Main	\$ 220,000
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Turney Center - Boiler Upgrade	260,000
Morgan County - Sludge Holding Tank	28,500

Environment & Conservation	
Meeman Shelby Dam Repair	\$ 339,000
Warrior's Path Sewer Connection	330,000
Olympic Whitewater Facility	200,000

AND FURTHER AMEND in Section 1, Title III-26 by deleting line 4 and by substituting the following:

4. Amortization of Authorized and Unissued Construction Bonds	\$ 30,693,000.00
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AND FURTHER AMEND in Section 1, Title III-26 by adjusting the total to read:

Total Title III-26	\$232,362,000.00
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AND FURTHER AMEND by adding the following new item at the end of Section 41:

Item _____. In addition to any other funds appropriated by the provisions of this act, the following amounts scheduled to be reduced and reverted in the 1991-1992 fiscal year shall not revert, but to the extent not expended shall be carried into the 1992-1993 fiscal year, and are appropriated in the 1992-1993 fiscal year for the agencies and purposes indicated:

Cultural Tags	\$ 800,000
Fiscal Review Committee	50,000
Agriculture: major maintenance	106,600
Parks: major maintenance	\$1,318,300
Historical Maintenance:	
major maintenance	314,100
Waste Water Construction: grants	4,360,400
Correction: major maintenance	36,100
MH & MR: major maintenance	50,900
Youth Development: major maintenance	45,500
Military: major maintenance	27,100
Safety: major maintenance	235,600

AND FURTHER AMEND by adding the following new item to Section 41:

Item _____. Any collections in excess of budgeted estimates collected from the sale of cultural license plates are hereby appropriated to the Tennessee Arts Commission and shall not revert at the end of the 1991-1992 fiscal year, but shall be carried over for expenditure in the 1992-1993 fiscal year.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred twenty-three thousand four hundred dollars (\$123,400) to the trial and appellate courts.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of two million dollars (\$2,000,000) to the District Attorneys General.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of six hundred seven thousand dollars (\$607,000) for the tax relief program in the office of the comptroller.

AND FURTHER AMEND in Section 10, Item 12, by deleting the words and figures "eight thousand two hundred dollars (\$8,200.00)" and by substituting instead the words and figures "nine thousand two hundred dollars (\$9,200.00)".

AND FURTHER AMEND by adding the following new item at the end of Section 41:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one million seven hundred thousand dollars (\$1,700,000) to the District Attorneys General. Unexpended amounts of this appropriation shall not revert at the end of the 1991-1992 fiscal year, but shall be carried over for expenditure in the 1992-1993 fiscal year.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of seven hundred forty-one thousand dollars (\$741,000) to the Department of State, to be allocated as follows:

- 1) \$520,000 to restore reductions in appropriations for state and regional library services and to provide for the making of grants for recording materials for blind persons.
- 2) \$221,000 to restore election registrar certification funds.

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AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act and subject to Senate Bill 2157 / House Bill 2515 becoming law, there is appropriated the following amounts relative to the following titles and sections:

Title II, Item 4.2 Indigent Defendants Counsel:
Non-capital cases \$ 3,500,000.00
(for reimbursement of private appointed
counsel in criminal cases)

Title III, Item 4.1. District Public
Defenders \$ 4,000,000.00
(to restore reductions in appropriations
and to fund 41 additional positions)

Title III, Item 4.3 Shelby County Public \$ 2,100,000.00
Defender (for direct appropriation)

Title III, Item 4.4 Davidson County Public Defender (for
direct appropriation) \$ 1,100,000.00

It is the intent of this item that the appropriation made in Section 1, Title II, Item 4 Indigent Defense, be allocated for capital cases.

AND FURTHER AMEND by adding the following item at the end of Section 41:

Item _____. In accordance with Section 56 of this act, this is to authorize immediate expenditures in the amount of two million nine hundred thousand dollars (\$2,900,000.00) for reimbursement of claims for indigent defendants counsel in the 1991-92 fiscal year.

AND FURTHER AMEND by adding the following new item at the end of Section 41:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of six hundred seventy-six thousand nine hundred dollars (\$676,900) for statewide public defenders to restore reductions made in that program in the 1991-1992 fiscal year.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of three hundred forty-two thousand two hundred twenty-five dollars (\$342,225) to the Office of the

Attorney General and Reporter to restore reductions made in that office in the 1991-1992 fiscal year.

AND FURTHER AMEND by deleting Title I-11 and Title III-5.12 from Section 1, and adjusting the totals accordingly.

AND FURTHER AMEND by deleting Section 43, Item 1 in its entirety, and renumbering the remaining items accordingly.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of four hundred forty-eight thousand dollars (\$448,000) to the Tennessee Bureau of Investigation, to be allocated as follows:

- 1) \$101,500 for two (2) Special Agent Criminal Investigator positions.
- 2) \$90,200 for overtime compensation and associated benefits.
- 3) \$38,000 for unclassified/confidential expenses.
- 4) \$30,000 for additional firearms training.
- 5) \$164,700 for three (3) agent positions for polygraph examination.
- 6) \$24,400 for one (1) Accountant II position.

AND FURTHER AMEND by adding the following new item at the end of Section 41:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of seventy-two thousand five hundred dollars (\$72,500) to the Tennessee Historical Commission, to be allocated as follows:

- 1) \$58,800 - grants to historic sites.
- 2) \$13,700 - publication grants.

These funds shall not revert at the end of the 1991-1992 fiscal year, but shall be carried over for expenditure in the 1992-1993 fiscal year.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated to the Tennessee Historical Commission the sum of twenty-one thousand eight hundred dollars (\$21,800) to retain one (1) Historical Preservation Specialist II position.

AND FURTHER AMEND by adding the following new item at the end of Section 41:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty-six thousand dollars (\$26,000) for the Tennessee Advisory Commission on Intergovernmental Relations for computer equipment and printing and distributing research publications. These funds shall not revert at the end of the 1991-1992 fiscal year, but shall be carried over for expenditure in the 1992-1993 fiscal year.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twelve thousand dollars (\$12,000) to the Tennessee Advisory Commission [sic] on Intergovernmental Relations for one (1) administrative secretary position.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of seventy-four thousand two hundred dollars (\$74,200) to the Tennessee State Museum for the purpose of restoring funding reductions made in appropriations to the museum.

AND FURTHER AMEND by adding the following new item at the end of Section 41:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated to the Tennessee State Museum a sum not to exceed forty-eight thousand dollars (\$48,000) for the acquisition of artifacts. This appropriation shall not revert at the end of the 1991-1992 fiscal year, but shall be carried over for expenditure in the 1992-1993 fiscal year.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of ninety-eight thousand seven hundred twenty dollars (\$98,720) to the Tennessee Sentencing Commission.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum not to exceed twenty-six thousand [sic] dollars (\$26,000) to the Tennessee commission on aging for the sole purpose of filling the Accountant II position which has been vacant

since January, 1991. Notwithstanding any administratively imposed hiring freeze to the contrary, the funds provided by this item shall be expended to fill such position.

AND FURTHER AMEND by adding the following new items at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of two hundred one thousand six hundred dollars (\$201,600) to the department of commerce and insurance to restore funds for the operation of the division of consumer affairs.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of four hundred thousand dollars (\$400,000) to the commission on aging for additional funding for senior citizen centers.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred thousand dollars (\$100,000) to the commission on aging for grants to the retired senior volunteer program (RSVP).

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum not to exceed two hundred eighteen thousand dollars (\$218,000) to the general assembly to study and implement an enhancement of the ability of the general assembly to prepare and analyze provisions of the state budget and appropriation legislation. The speakers and the chairmen of the finance, ways and means committees shall investigate and make recommendations to the joint legislative services committee concerning the following:

(1) The ability of the general assembly to analyze specific provisions of the budget and appropriations bill and make changes or recommendations;

(2) The ability of the general assembly to prepare financial data or statistics relative to state revenues, budget and appropriations;

(3) The availability of financial records of all branches of state government and the ability to analyze those records in a timely fashion;

(4) The ability to review the organization and administration of any department or agency of state government relative to management, efficiency and economy; and

(5) Implementation of the recommendations.

AND FURTHER AMEND by adding the following new item at the end of Section 41:

Item _____. In addition to any other funds appropriated to the state's development districts and human resource agencies by the provisions of this act, there is appropriated the sum of two hundred thousand dollars (\$200,000) to the department of economic and community development. Such sum shall be allocated on a basis of one hundred thousand dollars (\$100,000) to development districts and one hundred thousand dollars (\$100,000) to human resource agencies. These funds shall not revert at the end of the 1991-1992 fiscal year, but shall be carried over for expenditure in the 1992-1993 fiscal year.

AND FURTHER AMEND by adding the following new item at the end of Section 41:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of two million eight hundred eighty-eight thousand five hundred dollars (\$2,888,500) to the department of environment and conservation to restore funds to the parks and recreation division. Nine hundred six thousand two hundred dollars (\$906,200) shall be allotted for parks equipment and one million nine hundred eighty-two thousand three hundred dollars (\$1,982,300) shall be allotted for maintenance of parks. These funds shall not revert at the end of the 1991-1992 fiscal year, but shall be carried over for expenditure in the 1992-1993 fiscal year.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of nine hundred twenty thousand two hundred sixty-four dollars (\$920,264) to the Department of Revenue for the purpose of increasing in-state and out-of-state auditing efforts through the employment of additional auditors and support staff.

It is the legislative intent that continued funding of these positions are dependent on a net revenue gain to the state from the activities of these personnel. The commissioner of revenue shall report to the Finance, Ways, and Means Committees [sic] on a quarterly basis on the number and type of positions created and filled and the estimated revenue collections resulting from their activities.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

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Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of forty-four thousand six hundred dollars (\$44,600) to the department of labor to be allocated exclusively for the center for labor management relations.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of two hundred eighty thousand dollars (\$280,000) to the Office of the Attorney General and Reporter and to the Office of Legal Services for the General Assembly with two hundred thousand dollars (\$200,000) for entry level salary adjustments and compensation for salary compression in the Office of the Attorney General and Reporter and eighty thousand dollars (\$80,000) for entry level salary adjustments and compensation for salary compression to complete implementation of the recommendation of the House Joint Resolution 503 study committee of the 93rd General Assembly that the salary scale for legislative attorneys equal that for attorneys in the Office of the Attorney General and Reporter.

AND FURTHER AMEND by adding the following new item at the end of Section 41:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of ten thousand eight hundred fifty dollars (\$10,850) to the Tennessee Council of Juvenile and Family Court Judges for the purpose of completing the data entry of case reports for the 1991-1992 fiscal year, six thousand one hundred dollars (\$6,100) to the Tennessee Council of Juvenile and Family Court Judges for reimbursement of travel expenses of members of the executive and other committees of the council, when conducting state business. These funds shall not revert at the end of the 1991-1992 fiscal year, but shall be carried over for expenditure in the 1992-1993 fiscal year.

AND FURTHER AMEND by adding the following new item at the end of Section 41:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one million seven hundred twenty-three thousand six hundred dollars (\$1,723,600) to the department of education for the sole purpose of funding public television. These funds shall not revert at the end of the 1991-1992 fiscal year, but shall be carried over for expenditure in the 1992-1993 fiscal year.

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AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of two hundred five thousand two hundred dollars (\$205,200) to the Tennessee Department of Health for the sole purpose of funding epilepsy awareness and education programs. It is the legislative intent that this funding be recurring.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of two hundred fifty-five thousand nine hundred forty-one dollars (\$255,941) for the purpose of implementing Senate Bill 2156 / House Bill 2195, relative to the Appellate Court Improvements Act of 1992, if such bill becomes a law.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated to the Tennessee Consolidated Retirement System the sum of three hundred ninety thousand dollars (\$390,000) representing estimated first year's funding costs for the benefits provided under Public Chapter ____ of 1992 (Senate Bill 2277 / House Bill 2289). This appropriation shall take effect only if Senate Bill 2277 / House Bill 2289 becomes a law.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one million six hundred thousand dollars (\$1,600,000) for the purpose of implementing Senate Bill 982 / House Bill 796, relative to retirement inactive death benefits, if such bill becomes a law.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of two million two hundred thousand dollars (\$2,200,000) for the purpose of implementing Senate Bill 517 / House Bill 789, relative to five-year retirement vesting, if such bill becomes a law.

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AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of One Hundred Thirty Six Thousand Eight Hundred Sixty Six Dollars (\$136,866) for the purpose of implementing Senate Bill 383 / House Bill 1055, relative to incarceration due to additional enhancement factors, if such bill becomes a law.

AND FURTHER AMEND by adding the following new item at the end of Section 41:

Item _____. In addition to all other funds appropriated by the provisions of this act, there is hereby appropriated the sum of five thousand five hundred dollars (\$5,500) for the purpose of paying the entire amount assessed the state of Tennessee for dues for membership in the Council of State Governments for the 1991-1992 fiscal year. These funds shall not revert at the end of the 1991-1992 fiscal year, but shall be carried over until expended.

AND FURTHER AMEND by deleting Section 52 of the printed bill and by substituting instead the following:

SECTION 52.

Item 1. The appropriations made in Sections 1 and 4 of this act do not include salary increases for teachers, higher education and state employees and officials, except for constitutionality guaranteed increases to the judiciary. The Commissioner of Finance and Administration shall prepare official budgeted revenue estimates for the 1992-93 fiscal year; on a monthly basis he shall report revenue collections and estimates to the Chairmen of the Finance, Ways and Means Committees of the Senate and House of Representatives.

If revenue collections exceed budgeted estimates by a sufficient amount it is the legislative intent to provide for a contingency salary increase, of up to four percent (4%) effective January 1, 1993. It is the legislative intent that salary increases be given in one-half percent (1/2%) increments, to the extent that sufficient excess revenue collections occur, up to four percent (4%). It is the further legislative intent that such percentage increases are cost-of-living adjustments applicable equally to all employees. Any contingency salary increases shall apply to all teachers, higher education employees, state employees and officials including district attorneys general, public defenders and the attorney general and their assistants and other staff

personnel, teachers in state-operated schools and programs and employees of the Department of Safety. However, in lieu of the cost-of-living increase provided for in this item, but contingent upon at least a three percent (3%) cost-of-living increase occurring [sic] for other persons covered by this item, employees of the department of safety covered by the provisions of Tennessee Code Annotated, Title 4, Chapter 7, Part 2, shall receive salary increases in accordance with the provisions of that part.

Item 2. If the commissioner of finance and administration in consultation with the state funding board certifies that sufficient excess revenue collections will occur for a salary increase provided for in Item 1, no such increase shall be calculated until the sum of seven hundred ninety-four thousand dollars (\$794,000) has been transferred to the general fund for the purpose of reimbursing the cost of implementing Senate Bill 733/ House Bill 1410, if such bill becomes a law.

Item 3. If the commissioner of finance and administration in consultation with the state funding board certifies that sufficient excess revenue collections will occur to fund a salary increase of three percent (3%), as provided in Item 1, then before any further increase is calculated, the following reductions shall be made in estimated excess revenue collections:

(A) A sum not to exceed seven hundred fifty-eight thousand four hundred dollars (\$758,400) for the purpose of funding additional salary supplement payments authorized by Tennessee Code Annotated, Title 38, Chapter 8.

(B) A sum not to exceed three hundred forty thousand eight hundred dollars (\$340,800) for the purpose of funding additional salary supplement payments authorized by Tennessee Code Annotated, Title 4, Chapter 24.

(C) Available funds up to the maximums allocated in subitems (3)(A) and (3)(B) shall be allocated on the basis of two dollars (\$2.00) to subitem (3)(A) and one dollar (\$1.00) to subitem (3)(B), until these subitems are fully funded.

(D) After subitems (A) and (B) are fully funded, any additional excess revenue collections shall be available to calculate a salary increase in excess of three percent (3%) and up to four percent (4%), as provided in Item 1.

Item 4. Contingent on a salary increase occurring as provided in Item 1, there is appropriated from the reserve fund of the public service commission the sum of one hundred twenty-three thousand and thirty-six dollars (\$123,036) for the sole purpose of providing salary increases for motor carrier safety officers employed by the public service commission.

Item 5. Contingent upon economic recovery, there is hereby appropriated a sum sufficient to implement the provisions of this section. This appropriation is subject to a certification by the commissioner of finance and administration in consultation with the state funding board to the chairmen of the finance, ways and means committees that revenues are available to fund the appropriation [sic].

AND FURTHER AMEND by deleting Item 5 of Section 8 of the printed bill and by substituting the following:

Item 5. A sum sufficient to provide for indigent defendants counsel in capital cases.

AND FURTHER AMEND by adding the following new item at the end of Section 10:

Item _____. Subject to the provisions of Section 52, there is appropriated the sum of seven hundred ninety-four thousand dollars (\$794,000) for the purpose of implementing Senate Bill 733 / House Bill 1410, relative to tuition discounts to children of state employees, if such bill becomes a law.

AND FURTHER AMEND by adding the following new item at the end of Section 10:

Item _____. Out of funds appropriated under Title III-9, there is allocated the sum of two hundred thousand dollars (\$200,000) to the department of education for the sole purpose of making a grant in such amount to the Knox County department of public instruction, such grant to be allocated as follows:

- (1) Center School: one hundred twenty-six thousand dollars (\$126,000);
- (2) Partners/Mentors Program in middle schools: twenty-eight thousand dollars (\$28,000);
- (3) School-to-Parent Program in elementary schools: forty-six thousand dollars (\$46,000).

AND FURTHER AMEND by adding the following new item at the end of Section 10:

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Item _____. Out of funds generated by fees charged by the state board of accountancy, there is appropriated the sum of one hundred thirty thousand dollars (\$130,000.00) for the purpose of implementing Senate Bill 2337 / House Bill 2401, relative to the state board of accountancy, if such bill becomes a law.

AND FURTHER AMEND by adding the following new item at the end of Section 10:

Item _____. Out of the interest and earnings of the Natural Resources Trust Fund, there is appropriated the sum of twelve thousand dollars (\$12,000) to the Department of Environment and Conservation for the purpose of implementing Senate Bill 2416 / House Bill 2385, relative to the Tennessee Flora Project, if such bill becomes a law.

AND FURTHER AMEND by adding the following new item at the end of Section 10:

Item _____. Out of funds appropriated to the Department of Health, there is appropriated a sum sufficient to the department of health for the sole purpose of increasing by four dollars (\$4.00) the per diem reimbursement rate paid to residential care homes for the aged pursuant to the program established by Tennessee Code Annotated, Section 12-4-320.

AND FURTHER AMEND by deleting from Section 11 of the bill, as introduced, Item 4 in its entirety.

AND FURTHER AMEND by adding the following new item at the end of Section 10:

Item _____. From the fees collected by the health facilities commission, there is appropriated the sum of three hundred sixty-five thousand dollars (\$365,000) for the purpose of implementing Senate Bill 1932 / House Bill 1817, relative to funding seven (7) positions for the Health Facilities Commission, if such bill becomes a law.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. There is hereby appropriated to the Attorney General and Reporter a sum sufficient not to exceed ninety thousand dollars (\$90,000) to pay expenses incurred on behalf of the State Board of Equalization in defending property tax equalization lawsuits filed by centrally assessed public utility companies.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated

by the provisions of this act, there is appropriated a sum not to exceed one hundred fifty-three thousand dollars (\$153,000) for the purpose of funding places for incoming freshmen Tennessee students at the Southern College of Optometry in Memphis. It is the legislative intention by this appropriation to fund only places for incoming freshmen from Tennessee.

AND FURTHER AMEND by adding the following new item at the end of Section 41:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of fifty thousand dollars (\$50,000) to the department of the military for the Tennessee defense force.

AND FURTHER AMEND by deleting Section 49 in its entirety and substituting instead the following:

SECTION 49. The provisions of this section shall take effect upon becoming law, the public welfare requiring it.

Item 1. Notwithstanding the provisions of Chapter 509, Public Acts of 1991, to the contrary, to the extent state revenues and/or other funds made available to the general fund for the fiscal year ending June 30, 1992, exceed the requirements of such fund for the fiscal year ending June 30, 1992, the Revenue Fluctuation Reserve shall be established in the amount of forty million dollars (\$40,000,000) before considering any contingency appropriations authorized by this act or other acts of the General Assembly.

Item 2. To the extent there remains excess revenues and/or other funds after meeting the requirements of item 1 of this section 49, there is hereby appropriated a sum not to exceed ten million dollars (\$10,000,000) for the purpose of lowering the recognition of an overappropriation for the fiscal year ending June 30, 1993 from fifty million dollars (\$50,000,000) as shown in the 1992-93 Budget Document to the amount of forty million dollars (\$40,000,000). The amount collected over the forty million dollars (\$40,000,000) established in item 1 above shall be carried forward to the 1992-93 fiscal year for the purpose of lowering the overappropriation shown in the 1992-93 Budget Document to the extent of the amount collected. To the extent such amounts are insufficient to lower the overappropriation to forty million dollars (\$40,000,000), any revenue collections during the first six (6) months of fiscal year 1992-93 in excess of estimated collections shall be allocated to reducing the overappropriation to forty million dollars (\$40,000,000).

Item 3. To the extent there remains excess revenues and/or other funds after meeting the requirements of items 1 and 2 of this section 49 and the provisions of Section 52, there is hereby appropriated all such excess revenues and/or other funds to the Revenue Fluctuation Reserve Fund.

AND FURTHER AMEND by adding the following new item at the end of Section 10:

Item _____. Notwithstanding the provisions of this or any other law to the contrary, during fiscal year 1992-1993 it is the legislative intent that all conferences, workshops, meetings, seminars, programs, and similar endeavors conducted for officials and/or employees of the legislative, executive, or judicial branch of state government shall be conducted in state facilities whenever possible; provided, however, the provisions of this item shall not apply if a binding contract was signed, prior to the effective date of this act.

Rep. Bragg moved to amend as follows:

Amendment No. 1 to Amendment No. 2

AMEND Senate Bill No. 2444 by adding the following language:

AND FURTHER AMEND by deleting from Section 42, Item 2 of the printed bill, as amended, the words and figures "twenty-five thousand dollars (\$25,000.00)" and by substituting instead the words and figures "one hundred thousand dollars (\$100,000)".

On motion, Amendment No. 1 to Amendment No. 2 was adopted.

On motion, Amendment No. 2, as amended, was adopted.

Rep. Bragg moved to amend as follows:

Amendment No. 3

AMEND Senate Bill No. 2444 by adding to Section 6, the following new item:

Item _____. To provide debt service on five million dollars (\$5,000,000) of the general obligation bond issue authorized under Senate Bill 892/House Bill 558, there is hereby appropriated a sum sufficient from revenues [sic] generated by Senate Bill 891/House Bill 559. Any funds generated in excess of the amount necessary to pay such debt service requirements are hereby appropriated to the

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department of conservation and environment for the purposes as provided by Senate Bill 891/House Bill 559.

On motion, Amendment No. 3 was adopted.

Rep. Sipes moved to amend as follows:

Amendment No. 4

AMEND Senate Bill No. 2444 by adding the following language:

AND FURTHER AMEND by deleting from Section 42, Item 2 of the printed bill, as amended, the words and figures "twenty-five thousand dollars (\$25,000.00)" and by substituting instead the words and figures "one hundred thousand dollars (\$100,000)".

Rep. Purcell moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes.	68
Noes.	28

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Gunnels, Haley, Hargrove, Hassell, Head, Herron, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, McAfee, McKee, Moore, Napier, Nuber, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 68.

Representatives voting no were: Allen, Callicott, Chiles, Coffey, Copeland, Duer, Halteman, Harrill, Haun, Hill, Holcomb, Hubbard, Joyce, Knight, Liles, McDaniel, Meyer, Niceley, Peroulas, Draper, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullios, Venable, Williams (Union), Wood -- 28.

Thereupon, Rep. Purcell moved that Senate Bill No. 2444, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	83
Noes.	12

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Halteman, Hargrove, Hassell,

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Haun, Head, Herron, Hill, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McKee, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 83.

Representatives voting no were: Coffey, Haley, Harrill, Holcomb, Joyce, McDaniel, Meyer, Niceley, Shirley, Sipes, Tullis, Williams (Union) -- 12.

A motion to reconsider was tabled.

House Bill No. 2544 -- Bond Issues -- Authorizes \$178,700,000 bond issue to fund state projects.

On motion, House Bill No. 2544 was made to conform with Senate Bill No. 2447.

On motion, **Senate Bill No. 2447**, on same subject, was substituted for House Bill No. 2544.

Rep. Purcell moved that **Senate Bill No. 2447** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2546 -- Appropriations -- Authorizes growth in state appropriations which exceed rate of growth of economy for

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1992-1993 fiscal year. Amends TCA, Title 9, Ch. 6, Pt. 2.

On motion, House Bill No. 2546 was made to conform with Senate Bill No. 2445.

On motion, **Senate Bill No. 2445**, on same subject, was substituted for House Bill No. 2546.

Rep. Purcell moved that **Senate Bill No. 2445** be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Purcell moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 2445 by deleting Section 1 of the bill in its entirety and by substituting instead a new Section 1 to read:

Section 1. Tennessee Code Annotated, Section 9-6-203, is amended by adding the following language as a new, appropriately designated subsection:

() The index of appropriations from state tax revenues for the 1992-93 fiscal year may exceed the index of estimated growth in the state's economy by \$450,000,000.00 or 8.69 percent.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Purcell moved that **Senate Bill No. 2445**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	75
Noes.	17

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Halteman, Hargrove, Hassell, Head, Herron, Hill, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, King, Kisber, Knight, McAfee, McKee, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 75.

Representatives voting no were: Chiles, Coffey, Haley, Harrill,

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Haun, Holcomb, Joyce, Kernell, Liles, McDaniel, Meyer, Niceley, Shirley, Sipes, Stamps, Tullos, Williams (Union) -- 17.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

April 28, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2036 and 2464; passed by the Senate.

CLYDE W. MCCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 2036 -- Psychologists --** Revises certain qualifications to practice psychology. Amends TCA, Title 33, 40; Title 56, Ch. 7; Title 63, Ch. 11. by *Womack.

***Senate Bill No. 2464 -- Railroads --** Requires railroads to make public roads at railroad crossing level for 11, rather than ten, feet on each side of rails. Amends TCA, Title 65, Ch. 11. by *Cooper.

MOTION

At the request of Rep. Purcell, bills on the Regular Calendar were considered at this time, which motion prevailed.

REGULAR CALENDAR, CONTINUED

House Bill No. 1453 -- Equalization Board -- Revises fees for agents authorized to appear before board; authorizes board to adopt standards of conduct and registration of agents without formal adoption of rules. Amends TCA, Title 67.

Rep. Williams (Shelby) moved that House Bill No. 1543 be passed on third and final consideration.

Rep. R. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1453 by deleting Section 1 in its entirety and substituting instead the following:

Section 1. Tennessee Code Annotated, Section 67-5-1514(c)(3), is amended by deleting the first and second sentences thereof and substituting instead the following new sentence:

(3) Where the primary issue of any complaint, protest or appeal pertains to those grounds as

provided in Section 67-5-1407, any person who possesses a state certified general real estate appraiser's license as provided in Tennessee Code Annotated, Title 62, Chapter 39, and who further has been awarded the designation of Tennessee Certified Assessor as awarded by the board or has successfully completed the Tennessee certified assessor examination as administered by the board.

AND FURTHER AMEND by deleting Section 2 in its entirety and substituting instead the following:

Section 2. Tennessee Code Annotated, Section 67-5-15-1514(b), is amended by deleting in the first sentence the language "held pursuant to this part, or with respect to the filing of appeals pursuant to Section 67-5-1412" and substituting instead the new language "or with respect to the filing of appeals pursuant to this part or Part 14 of this chapter".

AND FURTHER AMEND by deleting Section 3 in its entirety and substituting instead the following:

Section 3. Persons registered with the board prior to passage of this act shall have until July 1, 1993, to meet the requirements of this act.

Section 4. This act shall take effect immediately upon becoming a law.

On motion, Amendment No. 1 was adopted.

Rep. Williams (Shelby) moved to amend as follows:

Amendment No. 2

Amend House Bill No. 1453 by adding the following new sections before the effective date section:

Section _____. Tennessee Code Annotated, Section 67-5-1514(f)(1), is amended by deleting from the first sentence the language "shall pay an annual fee for such registration as may be established by the board, which" and by substituting instead the language "the board".

Section _____. Tennessee Code Annotated, Section 67-5-1514(f), is amended by adding the following new subdivision:

() Each registered agent shall pay an annual fee of one hundred dollars (\$100).

Section _____. Tennessee Code Annotated, Section 67-5-1511(b), is amended by deleting the language "shall

be a de novo appeal" and substituting instead the new language "shall be a new hearing de novo".

On motion, Amendment No. 2 was adopted.

Rep. U. Jones moved to amend as follows:

Amendment No. 3

Amend House Bill No. 1453 by adding the following new sentence to the end of Section 1:

Any "appraisal", "appraisal report", or "valuation appraisal" as defined in Tennessee Code Annotated, Section 62-39-102, of any property appraised by any assessor in excess of one million dollars (\$1,000,000) made in behalf of any owner or taxpayer before any board of equalization, assessment authority, assessor, or agency shall be performed only by an agent registered in accordance with the provisions of this section or by a state certified general appraiser as provided in Tennessee Code Annotated, Title 62, Chapter 39.

On motion, Amendment No. 3 was adopted.

Thereupon, Rep. Williams (Shelby) moved that **House Bill No. 1453**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	76
Noes.	13
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Liles, McAfee, McKee, Meyer, Napier, Niceley, Odom, Peroulas, Draper, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Stamps, Tindell, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 76.

Representatives voting no were: Armstrong, Byrd, Callicott, Davidson, Duer, Harrill, Joyce, McDaniel, Moore, Pinion, Sipes, Tullis, Turner (Shelby) -- 13.

Representatives present and not voting were: Hargrove, Jackson -- 2.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on House Bill No. 1453 and have this statement entered in the Journal.

Rep. Peggy Knight

REGULAR CALENDAR, CONTINUED

House Bill No. 2206 -- Psychologists -- Revises certain qualifications to practice of psychology. Amends TCA, Titles 33, 40; Title 56, Ch. 7; Title 63, 11.

On motion, House Bill No. 2206 was made to conform with Senate Bill No. 2036.

On motion, **Senate Bill No. 2036**, on same subject, was substituted for House Bill No. 2206.

Rep. West moved that Senate Bill No. 2036 be passed on third consideration.

On motion, Rep. Dixon withdrew Health and Human Services Committee Amendment No. 1.

On motion of Rep. West, Amendment No. 2 was withdrawn.

Rep. West moved that Senate Bill No. 2036 be passed on third consideration.

At the request of Rep. West, Senate Bill No. 2036 was moved 5 places.

House Bill No. 2756 -- Taxes, Real Property -- Revises law concerning property tax liens. Amends TCA, Title 67, Ch. 5, Pt. 26.

On motion, House Bill No. 2756 was made to conform with Senate Bill No. 2000.

On motion, **Senate Bill No. 2000**, on same subject, was substituted for House Bill No. 2756.

Rep. Davidson moved that **Senate Bill No. 2000** be passed on third consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Liles -- 1.

A motion to reconsider was tabled.

House Bill No. 0990 -- Physicians and Surgeons -- Extends board of medical examiners' reporting time regarding disciplinary actions from sixty to ninety days. Amends TCA, Title 63, Ch. 6.

On motion, House Bill No. 990 was made to conform with Senate Bill No. 303.

On motion, **Senate Bill No. 303**, on same subject, was substituted for House Bill No. 990.

Rep. Nuber moved that **Senate Bill No. 303** be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 303 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of Section ____ of this Part of Chapter ____ shall not apply to either physicians or health care facilities, when a health care facility leased, or leases, premises or equipment from an entity owning the premises or equipment even if physicians have an ownership interest in the entity which leases the premises or equipment to the health care facility and refers patients to the health care facility, if:

- (1) There is a written lease agreement between the health care facility leasing the premises or equipment and the entity owning the premises or equipment;

(2) The lease specifies the premises or equipment covered by the lease;

(3) The term of the lease is for not less than one (1) year;

(4) The aggregate rental charge is set in advance, is consistent with fair market value in arms-length transactions, and is not determined in a manner that takes into account the volume or value of any referrals by physicians having an ownership interest in the entity leasing the premises or space to the health care facility; and

(5) A physician having an ownership interest in the entity leasing the premises or space to the health care facility discloses that interest to any patient referred by the physician to the health care facility.

On motion, Amendment No. 1 was adopted.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 303 by deleting all sections following the enacting clause and inserting in lieu thereof the following:

SECTION 1. Tennessee Code Annotated, Title 63-6-501 through 63-6-503, inclusive are deleted in their entireties.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 6, is amended by adding the following new appropriately numbered sections:

SECTION ____.

(a) Physician investment in health care facilities can provide important benefits for patient care. However, when physicians refer patients to facilities in which they have an ownership interest, a potential conflict of interest exists. Therefore, except as provided in subsection (b), a physician shall not refer a patient to a health care facility outside the physician's office practice at which the physician does not directly provide care or services when the physician has an investment interest in the facility.

(b) Notwithstanding the provisions of subsection (a), a physician may invest in and refer to an outside facility if all of the following ten (10) conditions are met:

(1) Individuals who are not in a position to refer patients to the facility shall not be denied an opportunity to invest in the facility, and they must be able to invest on the same terms that are offered to referring physicians. The terms on which investment interests are offered to physicians must not be related to the past or expected volume of referrals or other business from the physicians.

(2) There must be no requirement that any physician investor make referrals to the entity or otherwise generate business as a condition for remaining an investor.

(3) The entity must not market or furnish its items or services to referring physician investors differently than to other investors.

(4) The entity must not loan funds or guarantee a loan for physicians in a position to refer to the entity.

(5) The return on the physician's investment must be determined solely on the basis of the amount of the physician's investment interest in the facility, and must not be determined in a manner that takes into account the volume or value of the physician's referrals.

(6) The investment contract must not prohibit the physician from investing in or referring to other facilities.

(7) The physician-investor must disclose his or her investment interest to patients when making referrals. Patients must be (A) given a list of effective alternative facilities if any such facilities are reasonably available, (B) informed that they have the option to use one of the alternative facilities, and (C) assured that they will not be treated differently by the physician if they do not choose the physician-owned facility.

(8) The physician's ownership interest

must be disclosed, when requested, to third party payers.

(9) An internal utilization review program must be established to ensure that investing physicians utilize the facility's services only when and to the extent medically necessary.

(10) When a physician's financial interest renders the physician incapable of exercising independent professional judgment on behalf of the patient, the physician must make alternative arrangements for the care of the patient.

(c) Nothing in this section shall be construed to prohibit or otherwise apply to any investment interest of a physician in his or her group's office practice.

(d) Nothing in this section shall be construed to prohibit or otherwise apply to any investment interest of a physician in a facility at which the physician directly provides care or services, except that the physician shall be required to comply with the requirements of subsections (b)(7) and (b)(10) of this section.

(e) The Board shall have the authority to promulgate rules and regulations to effectuate the provisions of this section.

(f) The Board shall have the authority to issue declaratory orders pursuant to Tennessee Code Annotated Section 4-5-223 as to the applicability of this section.

(g) Violation of the provisions of this section may, in the discretion of the Board, be deemed to be unprofessional, dishonorable, or unethical conduct and shall subject the physician to the sanctions and penalties set out in Tennessee Code Annotated, Section 63-6-214, including, but not limited to, suspension, temporary revocation, or permanent revocation of a license.

(h) Definitions. For purposes of this section:

(1) The term "physician" shall be understood to refer to an individual subject to licensure under this chapter.

(2) The term "investment" or "investment interest" shall be understood to refer to a security issued by an entity, including but not limited to shares of stock in a corporation, units or other interests in a partnership, bonds, debentures, notes, or other equity interests or debt instruments, but not including an interest representing less than one percent (1%) of the total investment interest in the entity in accordance with the provisions of Section 3 of this act.

(3) The term "facility" shall be understood to refer to a legal entity that provides health services.

(4) The term "office practice" or "physician's office practice" shall be understood to include, but shall not be limited to, a sole practice or group of physicians organized as a partnership, professional corporation, or other organization:

(A) in which each physician who is a member of the group provides substantially the full range of services which that physician routinely provides, including medical care, consultation, diagnosis, or treatment, through the joint use of shared office space, facilities, equipment, and personnel;

(B) for which substantially all of the services of the physicians who are members of the group are provided through the group and are billed in the name of the group, and amounts so received are treated as receipts of the group; and

(C) in which the overhead expenses of and the income from the group practice are distributed in accordance with methods previously determined by members of the group.

SECTION 3. (a) Subject to the provisions of subsection (b), the provisions of Section 2 of this act shall not apply to a health care provider or family member of such provider who owns less than a one percent (1%) interest in a facility as defined in Section 2(h)(3) which is:

(1) A publicly traded company; or

(2) A privately held company that has certified to the board of medical examiners that it will notify the board if any health care provider or family member of such provider has received a distribution, a profit on the sale of such person's stock, or compensation of any type which would permit such person to achieve more than a twelve percent (12%) annual yield on the principal amount invested. Nothing in this section shall prevent the health care provider or family member of such provider from receiving such annual cumulative yield and a return on the principal investment over the life of ownership by such person in the entity. In the event that the distributions and/or sale of stock result in a greater yield, such greater amount will be required to be paid by the health care provider to the Tennessee Comprehensive Health Insurance Pool, created pursuant to Title 56, Chapter 39, Part 1. Such health care provider shall be deemed to be in violation of this act for failure to comply with this requirement.

(b) The provisions of subsection (a) shall apply to interests acquired on terms generally available to the public.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 3 as follows:

Amendment No. 3

Amend Senate Bill No. 303 by adding the following language as a new, appropriately designated Section 4, renumbering subsequent subsections accordingly:

SECTION 4. (a) As used in this act, unless the context otherwise requires:

(1) "Fair market value" of rental premises means the value of the rental property for general commercial purposes, but shall not be adjusted to reflect the additional value that one party (either the prospective lessee or lessor) would attribute to the property as a result of its proximity or convenience to sources of referrals or business otherwise generated.

(2) "Fair market value" of rental equipment means the value of the equipment when obtained from a manufacturer or professional distributor, but shall not be adjusted to reflect the additional value one party (either the prospective lessee or lessor) would attribute to the equipment as a result of its proximity or convenience to sources of referrals or business otherwise generated.

(b) The provisions of this act shall not apply to referrals by a physician to health care facility that leased or leases premises or equipment from an entity in which the physician or family member of that physician has an ownership or investment interest if:

(1) The lease agreement is set out in writing and signed by the parties;

(2) The lease specifies the premises or equipment covered by the lease;

(3) If the lease is intended to provide the lessee with access to the premises or equipment for periodic intervals of time, rather than on a full-time basis for the term of the lease, the lease specified exactly the schedule of such intervals, their precise length, and the exact rent for such intervals;

(4) The term of the lease is for not less than one (1) year;

(5) The aggregate rental charge is set in advance, is consistent with fair market value in arms-length transactions, and is not determined in a manner that takes into account the volume or value of any referrals by physicians having an ownership interest in the lessor;

(6) The physician discloses the ownership or investment interest in the lessor to any patient referred by the physician to the health care facility; and

(7) The physician or family member of the physician does not have an ownership or investment interest in the health care facility that is otherwise limited or prohibited under this act.

On motion, Amendment No. 3 was adopted.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 303 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION 5. Tennessee Code Annotated, Title 63, Chapter 6, is amended by adding Sections 6 through 8 as a new part.

SECTION 6. As used in Sections 6 through 8 of this act, unless the context requires otherwise:

(a) "Compensation arrangement" means any arrangement involving any remuneration directly or indirectly, overtly or covertly, in cash or in kind.

(b) "Entity" means

(1) any individual, partnership, firm, corporation, or other business entity or an affiliate thereof that

(A) owns, operates or leases major medical equipment; or

(B) is licensed under title 33, 63, or 68 as providing health services and has gross annual revenues equal to or greater than five hundred thousand dollars (\$500,000), as determined by generally accepted accounting principles.

(2) Entity does not mean a corporation that

(A) is listed for trading on the New York Stock Exchange or on the American Stock Exchange, or is a national market system security traded under an automated interdealer quotation system operated by the National Association of Securities Dealers; and

(B) had, at the end of the corporation's most recent fiscal year, total undepreciated net tangible assets related to the furnishing of health services exceeding fifty million dollars (\$50,000,000), based on the net acquisition cost of such assets when purchased from an unrelated entity.

(c) "Financial relationship" of a physician or family member with an entity means an ownership or investment interest in the entity, or a compensation

arrangement between physician or family member and the entity. Financial relationship does not include a compensation arrangement limited to members of a group practice or an ownership or investment interest that a physician holds in a group practice of which the physician is a member.

(d) "Group practice" means a group of two (2) or more physicians legally organized as a partnership, professional corporation, or similar association.

(1) in which each physician who is a member of the group provides substantially the full range of services which the physician routinely provides (including medical care, consultation, diagnosis, or treatment) through the joint use of shared office space, facilities, equipment, and personnel;

(2) for which substantially all of the services of the physicians who are members of the group are provided through the group and are billed in the name of the group and amounts so received are treated as receipts of the group; and

(3) in which the overhead expenses of and the income from the practice are distributed in accordance with methods previously determined by members of the group;

(e) "Health service" means clinically related (i.e., diagnostic, treatment, or rehabilitation) services.

(f) "Family member" means a physician's spouse, child, child's spouse, grandchild, grandchild's spouse, parent, parent-in-law, grandparent, sibling or sibling-in-law.

(g) "Major medical equipment" means a single unit of medical equipment or a single system of components with related functions, which is used to provide medical or other health services and which costs more than five hundred thousand dollars (\$500,000).

(h) "Ownership or investment interest" means any ownership or investment interest, direct or indirect, whether through equity, debt, or other means.

(i) "Health care provider" means any person providing health care and licensed by the state under the provisions of Tennessee Code Annotated, Title 63, and any health care institution as defined in

\$68-11-102, excluding hospitals.

SECTION 7.

(a) Any entity that has a financial relationship with a health care provider or a family member of a health care provider shall disclose the following to any person upon written request:

(1) annual financial statement prepared in accordance with generally accepted accounting principles;

(2) name and address of all persons, including but not limited to health care providers and family members of health care providers, having a financial relationship with the entity; and

(3) description of financial relationship between the entity and persons identified in subsection (2), including but not limited to percentage of ownership held by each person and annual compensation, payments, dividends, or other distributions from the entity to each person.

(b) If a health care provider or family member has a financial relationship with an entity, the health care provider shall disclose the following to any person upon written request;

(1) annual financial statement for the entity prepared in accordance with generally accepted accounting principles;

(2) description of financial relationship between the health care provider or family member and the entity, including but not limited to percentage of ownership and annual compensation, payments, dividends, or other distributions from the entity.

(c) In addition to the requirements in subsection 9a), any entity that has a financial relationship with a health care provider or family member of a health care provider shall file with the Secretary of State's office on or before January 1 of each year a sworn statement showing

(1) annual financial statement prepared in accordance with generally accepted accounting principles;

(2) name and address of all persons,

including but not limited to health care providers and family members of health care providers, having a financial relationship with the entity; and

(3) description of financial relationship between the entity and persons identified in subsection (2), including but not limited to percentage of ownership held by each person and annual compensation, payments, dividends, or other distributions from the entity to each person.

(4) consideration paid or contributed by each health care provider or family member to acquire the financial relationship; and

(5) debt obligations of health care providers or family members that are relieved or forgiven by the entity for any purpose.

(d) The sworn statement filed pursuant to subsection (c) shall be a public record available for inspection and copying upon request.

SECTION 8.

(a) Failure to respond to written requests pursuant to this part or to file a sworn statement with the Secretary of State's office within thirty (30) days of the request or filing deadline shall constitute a class c misdemeanor.

(b) A violation of this section by a health care provider shall constitute grounds for disciplinary action to be taken by the applicable board pursuant to Section 63-1-120 and Section 63-6-214. A violation of this section by a hospital licensed under Title 68, Chapter 11, part 2, or Title 33, Chapter 2, part 5, shall constitute grounds for disciplinary action to be taken by the applicable board pursuant to Section 68-11-207 and Section 33-2-507.

On motion, Amendment No. 4 was adopted.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 5 as follows:

Amendment No. 5

AMEND Senate Bill No. 303 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. As used in this act, unless the context otherwise requires "Health care provider" means any person providing health care and licensed by the state under the provisions of Tennessee Code Annotated, Title 63, and any health care institution as defined in §68-11-102, excluding hospitals.

AND FURTHER AMEND by deleting the word "physician" wherever it appears, and by substituting instead the words "health care provider", and by deleting the word "physicians" wherever it appears, and by substituting instead the words "health care providers", and by deleting the word "physician's", and by substituting instead the words "health care provider's", and by deleting the word "physicians'", and by substituting instead the words "health care providers'".

Rep. Copeland moved the previous question, which motion prevailed.

On motion, Amendment No. 5 was adopted.

Rep. Odom moved that Amendment No. 6 be withdrawn, which motion prevailed.

At the request of Rep. Herron, Amendment No. 7 was placed at the heel of the Amendments.

Rep. Herron moved to amend as follows:

Amendment No. 8

Amend Senate Bill No. 303 by adding to the amendatory language of Section 2 a new subsection, as follows:

() For purposes of subsection (b)(10) of this section, a physician shall be deemed to be incapable of exercising independent professional judgment on behalf of a patient of that physician if the physician receives a distribution, a profit on the sale of stock, or other compensation of any type which would permit such physician to achieve an annual yield of more than twenty-five percent (25%) on the principal amount invested by the physician in a facility as defined in this section.

Rep. Dixon moved that Amendment No. 8 be tabled, which motion prevailed by the following vote:

Ayes.	47
Noes.	38
Present and not voting.	3

Representatives voting aye were: Allen, Armstrong, Bittle, Bivens, Byrd, Callicott, Chiles, Clark, Coffey, Cole, Copeland,

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Cross, Davis (Cocke), Davis (Knox), Dixon, Halteman, Harrill, Hassell, Haun, Hill, Hillis, Hubbard, Huskey, Johnson, Jones U (Shelby), Kent, Kernell, King, Kisber, McAfee, Meyer, Niceley, Nuber, Peroulas Draper, Phillips, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stamps, Tindell, Tullis, Venable, Williams (Shelby), Wood -- 47.

Representatives voting no were: Arriola, Bell, Buck, Chumney, Collier, Crain, Curlee, Davidson, Davis (Gibson), Ferguson, Fowlkes, Givens, Haley, Hargrove, Herron, Holcomb, Holt, Jackson, Jones R (Shelby), Knight, Moore, Napier, Odom, Pinion, Pruitt, Purcell, Ridgeway, Rigsby, Rinks, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Union), Windle, Winningham, Mr. Speaker Naifeh -- 38.

Representatives present and not voting were: Bragg, Duer, Gunnels -- 3.

Rep. Herron moved to amend as follows:

Amendment No. 9

Amend Senate Bill No. 303 by adding the following language as a new section:

Section _____. Notwithstanding any other provisions of this act, if a physician or family member of that physician has an ownership or investment interest in an entity outside the physician's office practice, at which entity the physician does not directly provide care or services, then the physician may refer a patient to the entity for the furnishing of a health care item or service for a period not exceeding two (2) years after the effective date of this act provided the conflict of interest is disclosed to the patient and the physician acts in what he or she believes is the best interest of the patient.

Rep. Rhinehart moved to reject Amendment No. 9, which motion prevailed by the following vote:

Ayes.	50
Noes.	36
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Bittle, Bivens, Bragg, Byrd, Callicott, Chiles, Clark, Cole, Copeland, Cross, Davidson, Davis (Cocke), Davis (Knox), Dixon, Halteman, Harrill, Hassell, Haun, Hill, Hillis, Holcomb, Hubbard, Huskey, Joyce, Kent, Kernell, King, Kisber, McAfee, McDaniel, Niceley, Nuber, Peroulas Draper, Phillips, Rhinehart, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stamps, Tindell, Tullis, Venable, West, Williams (Shelby), Wix, Wood -- 50.

Representatives voting no were: Arriola, Bell, Buck, Chumney, Collier, Curlee, Davis (Gibson), Ferguson, Fowlkes, Givens, Haley, Head, Herron, Holt, Jackson, Johnson, Jones R (Shelby), Knight, Liles, Moore, Napier, Odom, Pinion, Purcell, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Turner (Hamilton), Turner (Shelby), Walley, Whitson, Williams (Union), Windle, Winningham, Mr. Speaker Naifeh -- 36.

Representatives present and not voting were: Duer -- 1.

Rep. Odom moved to amend as follows:

Amendment No. 7

Amend Senate Bill No. 303 by deleting Section 3 and substituting instead the following language:

Section 3. The provisions of this act shall not apply to a physician who owns less than a one percent (1%) interest in a facility which is:

(1) A publicly traded company that is a corporation listed for trading on the New York Stock Exchange or on the American Stock Exchange, or is a national market system security traded under an automated interdealer quotation system operated by the National Association of Securities Dealers, and had, at the end of the corporation's most recent fiscal year, total undepreciated net tangible assets related to the furnishing of health services exceeding fifty million dollars (\$50,000,000), based on the net acquisition cost of such assets when purchased from an unrelated entity.; or

(2) A publicly traded company which is not included in the provisions of subdivision (1) or a privately held company, that has filed annually an audited financial statement with the board of medical examiners and has certified to such board that it will notify the board if any physician has received a distribution, a profit on the sale of such person's stock, or compensation of any type which would permit such person to achieve more than an annual yield on the principal amount invested equal to the average prime loan rate plus two (2) percentage points in effect on December 31 of the preceding calendar year as published by the board of governors of the Federal Reserve System of the United States. Nothing in this section shall prevent the physician from receiving such annual cumulative yield and a return on the principal investment over the life of ownership by such person in the facility. In the event that the distributions and/or sale of stock result in a greater yield, such greater amount will be required to be paid by the physician to the Tennessee

Comprehensive Health Insurance Pool, created pursuant to Title 56, Chapter 39, Part 1. Such physician and any such facility described in this subdivision shall be deemed to be in violation of this act for failure to comply with this requirement.

Rep. Williams (Shelby) moved to amend as follows:

Amendment No. 1 to Amendment No. 7

Amend Senate Bill No. 303 by deleting the word "physician" wherever it appears, and by substituting instead the words "health care provider".

On motion, Amendment No. 1 to Amendment No. 7 was adopted.

On motion, Amendment No. 7, as amended, failed to be adopted by the following vote:

Ayes	38
Noes	42
Present and not voting	9

Representatives voting aye were: Armstrong, Arriola, Bivens, Buck, Byrd, Chumney, Collier, Cross, Curlee, DeBerry, Ferguson, Fowlkes, Gunnels, Haley, Hassell, Herron, Holt, Jackson, Jones R (Shelby), Kernell, King, Knight, Liles, Moore, Odom, Pinion, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Turner (Hamilton), Turner (Shelby), Walley, West, Williams (Shelby), Wix, Mr. Speaker Naifeh -- 38.

Representatives voting no were: Allen, Anderson, Bell, Bittle, Callicott, Chiles, Clark, Coffey, Cole, Copeland, Davidson, Davis (Cocke), Givens, Halteman, Harrill, Haun, Hill, Hillis, Holcomb, Joyce, Kent, Kisber, McAfee, McDaniel, Meyer, Niceley, Peroulas Draper, Phillips, Rhinehart, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Venable, Whitson, Williams (Union), Windle, Winningham, Wood -- 42.

Representatives present and not voting were: Bragg, Crain, Davis (Gibson), Dixon, Duer, Hubbard, Jones U (Shelby), Napier, Purcell -- 9.

Rep. Rhinehart moved the previous question, which motion prevailed.

Thereupon, Rep. Nuber moved that **Senate Bill No. 303**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	81
Noes	9
Present and not voting	4

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Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Hill, Hillis, Holcomb, Holt, Hubbard, Jackson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wood -- 81.

Representatives voting no were: Allen, Cole, Head, Herron, Johnson, Pinion, Rinks, Turner (Shelby), Wix -- 9.

Representatives present and not voting were: Buck, Joyce, Rigsby, Mr. Speaker Naifeh -- 4.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

April 28, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2843; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 2843 -- Paternity -- Allows father to acknowledge paternity at hospital where child born; requires registry of all children legitimized by acknowledgement in juvenile courts. Amends TCA, Title 36, Ch. 2, Pt. 2. by *Person.

MESSAGE FROM THE SENATE

April 28, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2870; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 2870 -- Hamilton County -- Revises make up of board of education. Amends Chapter 475, Private Acts of 1917, as amended. by *Crutchfield, *Albright.

RULES SUSPENDED

Rep. Purcell moved to suspend the rules so that a Special

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Consent Calendar could be considered at this time, which motion prevailed.

SPECIAL CONSENT CALENDAR

House Resolution No. 0218 -- Memorials, Professional and Business Achievement -- Mary Frances Parker, Bedford County Teacher of the Year. by *Phillips.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0219 -- Memorials, Professional and Business Achievement -- Ardis Rittenberry, Teacher of the Year in Bedford County. by *Phillips.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0220 -- Memorials, Interns -- Stephen Lamonte Reese. *by King, *Kernell.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0221 -- Memorials, Interns -- Jason Andrew Simpson. by *Hassell, *Nuber.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0222 -- Memorials, Personal Achievement -- E. Leslie Webb, Andrew Jackson - Award Medal. by *Anderson.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0223 -- Memorials, Sports -- Tom Fann. by *Sipes, *McDaniel.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0224 -- Memorials, Interns -- Larry Samuel Patterson. by *Naifeh.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0225 -- Memorials, Professional and Business Achievement -- Brenda Moriarty, Teacher of the Year. by *Venable, *Hubbard.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0227 -- Memorials, Interns -- Edward L. Stanton, III. by *Shirley.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0228 -- Memorials, Interns -- Christine

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Alexandra Vrailas. by *West, *Turner L, *Clark.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0229 -- Memorials, Public Service -- Dr. Steven T. Charles. by *Kent.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0714 -- Memorials, Interns -- Karen Dyer. by *Bittle, *Davis J K.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0715 -- Memorials, Sports -- Page High School boys' basketball team. by *Callicott, *Liles.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0716 -- Memorials, Personal Achievement -- 1992 Weakley County High School Valedictorians and Salutatorians. by *Herron.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0717 -- Memorials, Personal Achievement -- Neal Curtis Oldham, Matthew David Miesner and Paul Henry Davis, Eagle Scouts. by *Herron.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0718 -- Memorials, Interns -- Terri-Ann Jones. by *Dixon, *Pruitt.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0719 -- Memorials, Interns -- Jonathan W. Cross, II. by *Dixon, *Pruitt.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0720 -- Memorials, Heroism -- First Lieutenant Lyndon Craig Johnson, Bronze Star recipient. by *Davidson.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0721 -- Memorials, Death -- Carl A. Jones. by *Whitson, *Naifeh, *Robinson Ruth, *Allen, *Venable, *Cole, *Haun, *Holcomb, *Hubbard.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0722 -- Memorials, Public Service -- Dr. Charles Edward Golden. by *Winningham, *Hillis, *Windle, *Rhinehart, *Ferguson, *Arriola, *Bivens, *Buck, *Duer, *Hargrove.

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Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0723 -- Memorials, Congratulations -- Students, teachers and alumni of East High School in Memphis for tradition of excellence. by *Hassell.

Introduced; placed on Special Consent Calendar.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
April 28, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2838; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 2838 -- Franklin County -- Requires proceeds of litigation tax be placed in Jail Projects Fund to be used for repair, maintenance and improvement of jail. Amends Chapter 28, Private Acts of 1983. by *Cooper.

RULES SUSPENDED

Rep. Purcell moved to suspend the rules so that House Bills Nos. 2844, 2866 and 2867, having received authorization for passage by the local legislative delegation, could be placed on the Regular Consent Calendar, which motion prevailed.

CONSENT CALENDAR

House Bill No. 2843 — Franklin County — Requires proceeds of litigation tax be placed in Jail Projects Fund to be used for repair, maintenance and improvement of jail. Amends Chapter 28, Private Acts of 1983.

On motion, House Bill No. 2843 was made to conform with Senate Bill No. 2838.

On motion, Senate Bill No. 2838, on same subject, was substituted for House Bill No. 2843.

House Bill No. 2857 — Columbia — Amends charter. Amends Chapter 380, Private Acts of 1972, as amended.

House Bill No. 2869 — Gibson — Repeals old charter; enacts new charter. Repeals Chapter 67, Acts of 1909, as amended.

House Bill No. 2870 — Milan — Divides city into four wards instead of three; describes boundaries of each ward. Amends Chapter 458, Acts of 1901, as amended.

House Bill No. 2872 — Carter County — Corrects typographical error in Junkyard Control Act of 1992. Amends Chapter 193, Private Acts of 1992.

***House Bill No. 2868 — Schools, Private — Adds Association of Christian Schools International to list of schools setting standards of accreditation or membership for church related schools. Amends TCA 49-50-801.**

House Bill No. 2163 — Local Education Agency — Permits LEA to request loan from state, county or municipal funds when unable to operate or to continue to operate transportation services, interest payable at formula rate to be repaid from operating funds; loan must have governmental approval. Amends TCA, Title 49, Ch. 3.

On motion, House Bill No. 2163 was made to conform with Senate Bill No. 2032.

On motion, Senate Bill No. 2032, on same subject, was substituted for House Bill No. 2163.

***House Bill No. 2818 — Sunset Laws — State election commission, June 30, 2000. Amends TCA, Title 2; Title 4, Ch. 29.**

TUESDAY, APRIL 28, 1992 -- EIGHTY-NINTH LEGISLATIVE DAY

On motion, House Bill No. 2818 was made to conform with Senate Bill No. 2852.

On motion, **Senate Bill No. 2852**, on same subject, was substituted for House Bill No. 2818.

***House Bill No. 2819** -- Sunset Laws -- University of Tennessee board of trustees, June 30, 2000. Amends TCA, Title 4, Ch. 29; Title 49, Ch. 9.

***House Bill No. 2820** -- Sunset Laws -- Insurance committee, June 30, 2000. Amends TCA, Title 4, Ch. 29; Title 8, Ch. 27.

On motion, House Bill No. 2820 was made to conform with Senate Bill No. 2851.

On motion, **Senate Bill No. 2851**, on same subject, was substituted for House Bill No. 2820.

***House Bill No. 2821** -- Sunset Laws -- State building commission, June 30, 2000. Amends TCA, Title 4.

House Bill No. 2287 -- Public Officials -- Requires clerk to notify comptroller's office and county executive of election to charge flat fee in certain criminal cases. Amends TCA 8-21-401.

On motion, House Bill No. 2287 was made to conform with Senate Bill No. 1811.

On motion, **Senate Bill No. 1811**, on same subject, was substituted for House Bill No. 2287.

***House Joint Resolution No. 0650** -- General Assembly, Directed Studies -- Requests report on funding of agricultural programs.

House Joint Resolution No. 0512 -- Naming and Designating -- "Quality Control Month," October 1992.

House Bill No. 2844 -- Hickman County -- Divides into new school districts; provides number selection and terms of board of education, provides transition period for existing board. Amends Chapter 671, Private Acts of 1929, as amended.

On motion, House Bill No. 2844 was made to conform with Senate Bill No. 2821.

On motion, **Senate Bill No. 2821**, on same subject, was substituted for House Bill No. 2844.

House Bill No. 2866 -- Wayne County -- Abolishes litigation tax. Repeals Chapter 332, Private Acts of 1967.

House Bill No. 2867 -- Hickman County -- Reduces number of school board members. Repeals Chapter 671, Private Acts of 1929, as amended.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh — 97.

A motion to reconsider was tabled.

MOTION

Rep. Purcell moved that pursuant to Rule No. 49, the rules be suspended so that the remaining bills and resolutions on the Regular and Addendum Calendars be reset to the Calendar for Thursday, April 30, 1992, which motion prevailed.

Bills and resolutions reset were: House Bill(s) No(s). 2542, 960, 2586, 341 and 758; Senate Joint Resolution(s) No(s). 331, 339 and 399; House Bill(s) No(s). 2490; Senate Bill(s) No(s). 1927 and 473; House Bill(s) No(s). 2195, 1964, 2831, 2124, 2215, 2592, 2585, 2216, 2217, 2512, 2530, 2835, 1965, 2184, 2129, 2721, 2776, 2432 and 2531; Senate Bill(s) No(s). 2036.

UNFINISHED BUSINESS

MESSAGE FROM THE SENATE **April 28, 1992**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 447; amended, and concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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**MESSAGE FROM THE SENATE
April 28, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 476; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,
Chief Clerk.**

**MESSAGE FROM THE SENATE
April 28, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2830; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,
Chief Clerk.**

**MESSAGE FROM THE SENATE
April 28, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1669; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,
Chief Clerk.**

**MESSAGE FROM THE SENATE
April 28, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2854; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,
Chief Clerk.**

**MESSAGE FROM THE SENATE
April 28, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1400; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,
Chief Clerk.**

TUESDAY, APRIL 28, 1992 — EIGHTY-NINTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

April 28, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2548; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 28, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2503; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 28, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2482; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 28, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2401; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 28, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2334; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

TUESDAY, APRIL 28, 1992 -- EIGHTY-NINTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

April 28, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2240; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 28, 1992

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 2143.

The Senate nonconcurred in House Amendment(s) No(s). 3.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 28, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1950; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 28, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1934; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 28, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1902; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 28, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1889; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 28, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1821; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended so that the Message Calendar be reset to Thursday, April 30, 1992, which motion prevailed.

Bills reset were: House Bill(s) No(s). 1187, 1652, 1687, 1817, 2115 and 2235; Senate Bill No. 2434; House Bill(s) No(s). 2516; Senate Bill(s) No(s). 2554; House Joint Resolution(s) No(s). 447; House Bill(s) No(s). 476, 1400, 1669, 1821, 1889, 1902, 1934 and 1950; Senate Bill(s) No(s). 2143; also, House Bill(s) No(s). 2240, 2334, 2401, 2482, 2503, 2548, 2830 and 2854.

RULES SUSPENDED

Rep. DeBerry moved to suspend Rule No. 81(1), so that Study Resolutions coming out of committees may be heard in Calendar and Rules Committee, which motion prevailed.

BILLS WITHDRAWN

On motion of Rep. Turner (Hamilton), House Bill No. 1378 was withdrawn from the House.

On motion of Rep. Turner (Hamilton), House Bill No. 2134 was recalled from the Health and Human Resource Committee.

On motion of Rep. Turner (Hamilton), House Bill No. 2134 was withdrawn from the House.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1159: Rep(s). Cole as prime sponsor(s).

House Bill No. 1449: Rep(s). Dixon as prime sponsor(s).

House Bill No. 1867: Rep(s). Bell as prime sponsor(s).

House Bill No. 2019: Rep(s). Givens and Haun as prime sponsor(s).

House Bill No. 2039: Rep(s). Givens as prime sponsor(s).

House Bill No. 2066: Rep(s). Dixon as prime sponsor(s).

House Bill No. 2184: Rep(s). Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Callicott, Chiles, Ferguson, Fowlkes, Gunnels, Haun, McAfee, McKee, Meyer, Peroulas Draper, Robinson Robb, Severance, Tindell, Turner B, Venable, Walley, Whitson, Williams M and Wood as prime sponsor(s).

House Bill No. 2216: Rep(s). Dixon as prime sponsor(s).

House Bill No. 2217: Rep(s). Dixon as prime sponsor(s).

House Bill No. 2599: Rep(s). Dixon as prime sponsor(s).

House Bill No. 2603: Rep(s). Hargrove, Hill, Holt and Ridgeway as prime sponsor(s).

House Bill No. 2671: Rep(s). Ridgeway as prime sponsor(s).

House Bill No. 2719: Rep(s). Bittle, Coffey, Johnson and Williams M as prime sponsor(s).

House Bill No. 2721: Rep(s). Chumney and Knight as prime sponsor(s).

REQUESTS TO BE ADDED AS SPONSORS

The following member(s) requested to add name(s) as sponsor(s) as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage or substitution of said bill.

House Bill No. 1687: Rep. Sipes.

House Bill No. 2165: Rep. DeBerry.

House Bill No. 2287: Rep. Tindell.

INTRODUCTION OF RESOLUTIONS

On motion, the resolution(s) listed was/were introduced and referred as noted:

House Joint Resolution No. 0710 -- General Assembly, Adjournment, Recess -- Provides for recess from April 23, 1992 to April 28, 1992. by *Purcell, *Chiles.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0712 -- General Assembly, Directed Studies -- Directs study of feasibility of transferring state fire academy at Murfreesboro from state board of regents to department of commerce and insurance. by *Bragg.

Referred by the Speaker to the Calendar and Rules Committee.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred as noted:

Senate Joint Resolution No. 0378 -- General Assembly, Directed Studies -- Directs Fiscal Review Committee to study consolidation of state investigative agencies.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0422 -- General Assembly, Studies -- Creates special joint committee to study publication of certain state notices in newspapers primarily serving African-American communities.

Referred by the Speaker to the Calendar and Rules Committee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 2880 -- Jonesborough -- Redefines powers of board of aldermen; authorizes board to appoint city administrator and set duties. Amends Chapter 135, Acts of 1903, as amended. Amends TCA, Title , Ch. 135. by *Robinson Ruth.

Passed first consideration.

House Bill No. 2881 -- Gibson County -- Ratifies, confirms and validates actions of Bradford Special School District. Amends Chapter 153, Private Acts 1917, as amended. Repeals Chapter 467, Private Acts of 1925, as amended. by *Davis Ray.

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Passed first consideration.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

***Senate Bill No. 0229** -- Probate Law -- Clarifies disclaimer of interests in jointly held property and beneficiary designated assets. Amends TCA 31-1-103. (HB 1426).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0580** -- Criminal Offenses -- Creates penalties for use of funds derived from certain criminal activities. Amends TCA 40-12-201. (HB 1435).

Held pending third consideration of companion House Bill.

***Senate Bill No. 2551** -- Telecommunications -- Removes value added networks from definition of "telecommunication" under sales tax law. Amends TCA 67-6-102. (HB 2585).

Held pending third consideration of companion House Bill.

Senate Bill No. 2572 -- Firefighters -- Renames TN State Fire College "TN State Fire Academy"; transfers from board of regents to state fire marshal; provides for funding through State Fire Prevention Fund. Amends TCA 49-8-701, 68-17-142. (*HB 2408).

Held pending third consideration of companion House Bill.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

House Bill No. 2873 -- Morgan County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2875 -- LaFollette -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2877 -- Portland -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2878 -- Smithville -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2879 -- Lewis County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

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**MESSAGE FROM THE SENATE
April 28, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 486; adopted for concurrence.

**CLYDE W. McCULLOUGH, JR.,
Chief Clerk.**

Senate Joint Resolution No. 0486 -- Memorials, Interns -- Sara Fulton. by *Koella.

**REPORT OF CHIEF ENGROSSING CLERK
April 28, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 1705, 1764, 2033, 2301, 2405, 2453, 2623, 2704, 2712, 2787, 2845, 2846, 2847, 2848, 2850, 2851 and 2852; also, House Joint Resolution(s) No(s). 655, 660, 661, 663, 667, 669, 670, 671, 672, 674, 675, 677, 681, 697 and 698; for his action.

**BETTY KAY FRANCIS,
Chief Engrossing Clerk.**

**MESSAGE FROM THE SENATE
April 28, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 352; adopted for concurrence.

**CLYDE W. McCULLOUGH, JR.,
Chief Clerk.**

***Senate Joint Resolution No. 0352 -- General Assembly, Studies -- Continues special joint committee to study rising health care costs. by *Hamilton.**

**MESSAGE FROM THE SENATE
April 28, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1732, 1753 and 1850; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,
Chief Clerk.**

**ENGROSSED BILLS
April 28, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report

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that we have carefully examined House Bill(s) No(s). 2289, 2460 and 2599; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
April 28, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1996, 2114, 2378, 2433, 2599, 2615 and 2650; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 28, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2145, 2537, 2785, 2789, 2855, 2856, 2858, 2859, 2861 and 2862; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 28, 1992

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 495, 519, 601, 602, 604, 605, 606, 607, 608, 609, 629 and 630; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 28, 1992

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 588, 589, 665, 676, 678, 679, 680, 682, 683, 684, 685, 686, 687, 688, 689, 691, 692, 693, 694, 695, 696, 699, 701, 702, 703, 704, 705, 706, 707, 708, 709 and 711; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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MESSAGE FROM THE SENATE

April 28, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2128; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 28, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1918; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 1918 -- Sunset Laws -- Institute for African and Caribbean affairs, June 30, 1995. by *Hicks, *Harper.**

SIGNED

April 28, 1992

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 2128.

ENGROSSED BILLS

April 28, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 126, 2039, 2411, 2667, 2719 and 2816; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

April 28, 1992

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 383, 887, 1770, 1784, 1821, 1822, 1846, 1856, 1871, 1872, 1891, 1936, 1969, 1978, 1989, 1999, 2132, 2221, 2266, 2289, 2293, 2461, 2468, 2469, 2470, 2507, 2553, 2557, 2644, 2691, 2704, 2744, 2753, 2762, 2778, 2781, 2802 and 2816; also, Senate Joint Resolution(s) No(s). 367, 368, 370, 390, 404, 417, 445, 450, 460, 461, 463, 467, 468, 469, 470, 471, 474, 476, 477, 478, 479, 480 and 482.

TUESDAY, APRIL 28, 1992 -- EIGHTY-NINTH LEGISLATIVE DAY

MESSAGE FROM THE GOVERNOR
April 28, 1992

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1169, 2336, 2389, 2452, 2581, 2646, 2723, 2825, 2832 and 2833; also, House Joint Resolution(s) No(s). 590, 599, 632, 636, 637, 638, 639, 640, 642, 643, 644, 645, 646, 647, 648, 649, 652, 653, 654, 659 and 662; with his approval.

DAVID H. WELLES,
Counsel to the Governor.

MESSAGE FROM THE SENATE
April 28, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 491; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0491 -- Memorials, Interns --
William Paul Margulies, Jr. by *McNally, *Greer.

ENGROSSED BILLS
April 28, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2515; also, House Joint Resolution(s) No(s). 521, 522, 524, 664 and 673; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
April 28, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 123, 126, 2249, 2278, 2376, 2411, 2484, 2558, 2667 and 2719; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 28, 1992

MR. SPEAKER: I am directed to return to the House, House

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Bill(s) No(s). 2706; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 28, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2814; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS
April 28, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1453; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
April 28, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2816; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS
April 28, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2819, 2821, 2857, 2866, 2867, 2868, 2869, 2870 and 2872; also, House Joint Resolution(s) No(s). 512, 650, 714, 715, 716, 717, 718, 719, 720, 721, 722 and 723; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

TUESDAY, APRIL 28, 1992 -- EIGHTY-NINTH LEGISLATIVE DAY

**MESSAGE FROM SENATE
April 28, 1992**

MR. SPEAKER: I am directed to request the return of House Bill No. 1609, for further consideration.

**CLYDE W. McCULLOUGH, JR.,
Chief Clerk.**

**MESSAGE FROM THE SENATE
April 28, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 372, 431, 433, 441, 472, 473, 475, 481 483, 485, 487 and 493; adopted for concurrence.

**CLYDE W. McCULLOUGH, JR.,
Chief Clerk.**

***Senate Joint Resolution No. 0372 -- General Assembly, Studies -- Continues SJR 471 for computerization and automation of courts. by *Wilder.**

***Senate Joint Resolution No. 0431 -- General Assembly, Studies -- Creates joint study committee on auto theft. by *Cohen.**

***Senate Joint Resolution No. 0433 -- Memorials, Government Officials -- Requests Federal Highway Administration to review regulations relating to vision standards for drivers of commercial motor vehicles. by *O'Brien, *Springer.**

***Senate Joint Resolution No. 0441 -- General Assembly, Studies -- Creates special joint committee to study improved firearm safety for protection of children. by *Darnell.**

Senate Joint Resolution No. 0472 -- Memorials, Public Service -- Chancellor Lawrence Fricks Stewart. by *Cooper.

Senate Joint Resolution No. 0473 -- Memorials, Personal Achievement -- Lucretia Boyle, Academic All-American First Team. by *Cooper.

Senate Joint Resolution No. 0475 -- Memorials, Public Service -- Frank C. Perkins. by *Rochelle, Haynes.

Senate Joint Resolution No. 0481 -- Memorials, Interns -- Connie Bailey. by *Greer.

Senate Joint Resolution No. 0483 -- Memorials, Public Service -- Dr. Benjamin Hooks, NAACP Executive Director. by *Harper, O'Brien, McKnight, Kyle.

Senate Joint Resolution No. 0485 -- Memorials, Heroism -- James Albert Kennedy. by *Haynes, Hicks.

TUESDAY, APRIL 28, 1992 -- EIGHTY-NINTH LEGISLATIVE DAY

Senate Joint Resolution No. 0487 -- Memorials, Professional and Business Achievement -- JoAnn North. by Henry, Hicks, O'Brien.

Senate Joint Resolution No. 0493 -- Memorials, Personal Occasion -- Bishop and Mrs. Gilbert E. Patterson, 25th Wedding Anniversary. by *Ford, Davis E.

MESSAGE FROM THE SENATE

April 28, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1209, 1685, 2166, 2342, 2343, 2466, 2604, 2655 and 2766; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 1209** -- Ethics -- Prohibits conversion of campaign funds; restricts gifts to officials; expands conflict of interest disclosure. Amends TCA, Title 2, Ch. 10; Title 3, Ch. 6; Title 8, Ch. 50, Pt. 50. by *Cooper, *McNally, Gilbert, Jordan, Greer, Cohen, Dunavant, Person, O'Brien, Lawson, Crowe.

***Senate Bill No. 1685** -- Criminal Offenses -- Creates offense of public indecency. Amends TCA 39-13-511. by *Jordan.

***Senate Bill No. 2166** -- Criminal Procedure -- Gives city court of Goodlettsville concurrent state criminal jurisdiction with general sessions court. Amends TCA, Title 6, Ch. 21, Pt. 5. by *Haynes.

***Senate Bill No. 2342** -- Medical Occupations -- Removes on-site supervision requirement for practice by physical therapist pending receipt of permit. Amends TCA 63-13-305. by *Montgomery.

***Senate Bill No. 2343** -- Chiropractors -- Removes exemption from annual education requirements for practitioners 65 or over in cases of retirement, certified illness, disability or other undue hardship. Amends TCA, Title 63, Ch. 4, Pt. 1. by *Crowe.

***Senate Bill No. 2466** -- Insurance, Health, Accident -- Revises TN Comprehensive Health Insurance Pool to provide for emergency assessments from insurance companies, to impose a \$2 per day charge on hospital stays and a \$1 per day charge on ambulatory surgical center visits; provides for administration. Amends TCA, Titles 56, 63. by *Dunavant, O'Brien, Cooper, Person, Hamilton, McKnight, Elsea, Kyle, Womack.

***Senate Bill No. 2604** -- Judges and Chancellors -- Permits judges and chancellors of courts of record, including appellate judges, to freely interchange with one another when necessary, desirable or convenient. Amends TCA, Title 17. by *Koella, *Lawson, *Cohen.

***Senate Bill No. 2655 -- Probation --** Provides that in misdemeanor cases, as a condition precedent of probation, defendant must pay minimum of \$10.00 per month of expenses incurred by supervisory agency. Amends TCA 40-35-303. by *Koella.

***Senate Bill No. 2766 -- Election Laws --** Allows retention of precinct boundaries not on census boundaries if precincts used in political subdivision redistricting plan approved by federal court. Amends TCA, Title 2, Ch. 3, Pt. 1. by *Albright, *Crutchfield.

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

April 28, 1992

In accordance with Rule No. 48, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 2837, 2873, 2875, 2877, 2878 and 2879.

The following resolutions were also referred to the Calendar and Rules Committee: Senate Joint Resolution(s) No(s). 472, 473, 475, 481, 483, 485, 487 and 493.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

April 28, 1992

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the Consent Calendar for Thursday, April 30, 1992: House Bill(s) No(s). 2837, 2873, 2875, 2877, 2878 and 2879; also, Senate Joint Resolution(s) No(s). 472, 473, 475, 481, 483, 485, 487 and 493.

PHILLIPS, Chair.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell,

TUESDAY, APRIL 28, 1992 -- EIGHTY-NINTH LEGISLATIVE DAY

Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, April 30, 1992.